

**As Reported by the Senate Finance Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Sub. H. B. No. 483**

**Representative Amstutz**

**Cosponsors: Representatives Sprague, McGregor, Grossman, Hackett,**

**McClain, Sears, Stebelton, Wachtmann Speaker Batchelder**

**—**

**A B I L L**

To amend sections 7.10, 7.16, 9.37, 9.482, 9.90, 1  
9.91, 103.63, 118.27, 121.084, 122.12, 122.121, 2  
122.861, 124.32, 125.13, 125.182, 126.21, 126.25, 3  
131.35, 133.06, 133.07, 135.143, 149.311, 149.38, 4  
153.56, 156.03, 163.15, 163.53, 163.54, 163.55, 5  
164.26, 173.47, 175.04, 175.05, 175.06, 191.01, 6  
306.04, 307.699, 307.982, 340.01, 340.02, 340.021, 7  
340.03, 340.08, 340.09, 340.15, 341.12, 757.03, 8  
757.04, 757.05, 757.06, 757.07, 757.08, 955.01, 9  
955.05, 1321.535, 1321.55, 1322.03, 1322.031, 10  
1322.04, 1322.041, 1322.051, 1322.06, 1322.11, 11  
1345.06, 1711.50, 1711.53, 1724.10, 1901.08, 12  
2101.026, 2151.417, 2151.421, 2152.19, 2305.09, 13  
2710.06, 2743.191, 2907.28, 2915.08, 2929.20, 14  
2945.402, 3123.89, 3303.41, 3313.372, 3314.08, 15  
3317.02, 3317.0217, 3317.06, 3318.36, 3358.03, 16  
3517.20, 3701.132, 3701.34, 3701.74, 3701.83, 17  
3702.511, 3702.52, 3702.526, 3702.59, 3702.71, 18  
3702.74, 3702.75, 3702.91, 3702.95, 3721.02, 19  
3730.09, 3735.31, 3735.67, 3737.02, 3745.71, 20  
3772.02, 4141.01, 4141.09, 4141.11, 4141.131, 21  
4141.20, 4141.25, 4141.29, 4141.35, 4303.021, 22

4503.102, 4503.44, 4511.191, 4715.14, 4715.30,	23
4715.302, 4717.10, 4723.28, 4723.486, 4723.487,	24
4725.01, 4725.091, 4725.092, 4725.16, 4725.19,	25
4729.12, 4729.54, 4729.541, 4729.65, 4729.80,	26
4729.83, 4729.86, 4730.25, 4730.48, 4730.53,	27
4731.055, 4731.15, 4731.155, 4731.22, 4731.24,	28
4731.241, 4731.281, 4737.045, 4758.01, 4758.02,	29
4758.06, 4758.16, 4758.20, 4758.21, 4758.23,	30
4758.24, 4758.26, 4758.28, 4758.29, 4758.30,	31
4758.31, 4758.35, 4758.36, 4758.50, 4758.51,	32
4758.55, 4758.561, 4758.59, 4758.60, 4758.61,	33
4758.71, 4781.04, 4905.911, 4906.20, 4906.201,	34
4923.02, 5104.03, 5104.34, 5104.341, 5104.38,	35
5119.21, 5119.22, 5119.23, 5119.25, 5119.40,	36
5123.01, 5123.011, 5123.012, 5123.16, 5123.162,	37
5123.19, 5123.191, 5123.21, 5123.61, 5123.75,	38
5123.76, 5123.89, 5124.01, 5124.101, 5124.106,	39
5124.15, 5124.151, 5124.17, 5124.19, 5124.21,	40
5124.28, 5124.38, 5124.60, 5124.61, 5124.62,	41
5124.67, 5126.01, 5126.02, 5126.022, 5126.0219,	42
5126.041, 5126.046, 5126.051, 5126.08, 5126.21,	43
5126.25, 5126.42, 5126.43, 5126.45, 5139.05,	44
5139.34, 5139.36, 5139.41, 5153.21, 5153.42,	45
5165.03, 5165.031, 5165.10, 5165.106, 5165.15,	46
5165.23, 5165.25, 5165.65, 5165.68, 5502.26,	47
5502.261, 5513.01, 5531.10, 5703.052, 5703.21,	48
5705.10, 5709.12, 5709.121, 5709.40, 5713.012,	49
5713.08, 5715.19, 5715.27, 5717.01, 5727.111,	50
5739.05, 5739.09, 5747.02, 5747.025, 5747.50, and	51
5747.71; to amend for the purpose of codifying and	52
changing the number of Section 323.280 of Am. Sub.	53
H.B. 59 of the 130th General Assembly to section	54
5165.157 of the Revised Code; to enact sections	55

5.074, 5.077, 9.54, 9.911, 127.163, 127.164, 56  
164.261, 175.053, 193.01, 193.02, 193.03, 193.04, 57  
193.05, 193.07, 193.09, 193.11, 193.13, 306.14, 58  
307.678, 307.6910, 307.863, 340.092, 340.093, 59  
340.20, 341.121, 1541.50, 2935.012, 3123.90, 60  
3302.15, 3313.351, 3313.902, 3326.29, 3345.56, 61  
3721.122, 4121.443, 4715.15, 4723.433, 4729.861, 62  
4730.093, 4731.77, 4741.49, 4758.48, 4758.62, 63  
4758.63, 4758.64, 5101.345, 5101.90, 5103.05, 64  
5103.051, 5119.362, 5119.363, 5119.364, 5119.365, 65  
5119.401, 5122.36, 5123.0420, 5139.12, 5139.45, 66  
and 5155.28; to repeal sections 1322.063, 67  
3125.191, 3702.93, 4171.03, 4171.04, 5124.63, 68  
5124.64, and 5126.037 of the Revised Code; to 69  
amend Sections 207.10, 209.30, 221.10, 241.10, 70  
245.10, 257.10, 257.20, 259.10, 259.210, 263.10, 71  
263.230, 263.240, 263.250, 263.270, 263.320, 72  
263.325, 275.10, 282.10, 282.30, 285.10, 285.20, 73  
301.10, 301.33, 301.40, 301.143, 327.10, 327.83, 74  
333.10, 340.10, 349.10, 359.10, 363.10, 365.10, 75  
395.10, 403.10, 512.70, 512.80, and 751.10 of Am. 76  
Sub. H.B. 59 of the 130th General Assembly; to 77  
amend Sections 207.100, 207.250, 207.340, 207.440, 78  
223.10, 239.10, 253.330, 269.10, and 701.50 of Am. 79  
H.B. 497 of the 130th General Assembly; to amend 80  
Section 9 of Am. Sub. S.B. 206 of the 130th 81  
General Assembly; and to repeal Section 747.40 of 82  
Am. Sub. H.B. 59 of the 130th General Assembly to 83  
make operating and other appropriations and to 84  
provide authorization and conditions for the 85  
operation of state programs and to repeal section 86  
5101.345 of the Revised Code on the first day of 87  
the forty-ninth month after its effective date. 88

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

**Section 101.01.** That sections 7.10, 7.16, 9.37, 9.482, 9.90, 89  
9.91, 103.63, 118.27, 121.084, 122.12, 122.121, 122.861, 124.32, 90  
125.13, 125.182, 126.21, 126.25, 131.35, 133.06, 133.07, 135.143, 91  
149.311, 149.38, 153.56, 156.03, 163.15, 163.53, 163.54, 163.55, 92  
164.26, 173.47, 175.04, 175.05, 175.06, 191.01, 306.04, 307.699, 93  
307.982, 340.01, 340.02, 340.021, 340.03, 340.08, 340.09, 340.15, 94  
341.12, 757.03, 757.04, 757.05, 757.06, 757.07, 757.08, 955.01, 95  
955.05, 1321.535, 1321.55, 1322.03, 1322.031, 1322.04, 1322.041, 96  
1322.051, 1322.06, 1322.11, 1345.06, 1711.50, 1711.53, 1724.10, 97  
1901.08, 2101.026, 2151.417, 2151.421, 2152.19, 2305.09, 2710.06, 98  
2743.191, 2907.28, 2915.08, 2929.20, 2945.402, 3123.89, 3303.41, 99  
3313.372, 3314.08, 3317.02, 3317.0217, 3317.06, 3318.36, 3358.03, 100  
3517.20, 3701.132, 3701.34, 3701.74, 3701.83, 3702.59, 3702.511, 101  
3702.52, 3702.526, 3702.71, 3702.74, 3702.75, 3702.91, 3702.95, 102  
3721.02, 3730.09, 3735.31, 3735.67, 3737.02, 3745.71, 3772.02, 103  
4141.01, 4141.09, 4141.11, 4141.131, 4141.20, 4141.25, 4141.29, 104  
4141.35, 4303.021, 4503.102, 4503.44, 4511.191, 4715.14, 4715.30, 105  
4715.302, 4717.10, 4723.28, 4723.486, 4723.487, 4725.01, 4725.091, 106  
4725.092, 4725.16, 4725.19, 4729.12, 4729.54, 4729.541, 4729.65, 107  
4729.80, 4729.83, 4729.86, 4730.25, 4730.48, 4730.53, 4731.055, 108  
4731.15, 4731.155, 4731.22, 4731.24, 4731.241, 4731.281, 4737.045, 109  
4758.01, 4758.02, 4758.06, 4758.16, 4758.20, 4758.21, 4758.23, 110  
4758.24, 4758.26, 4758.28, 4758.29, 4758.30, 4758.31, 4758.35, 111  
4758.36, 4758.50, 4758.51, 4758.55, 4758.561, 4758.59, 4758.60, 112  
4758.61, 4758.71, 4781.04, 4905.911, 4906.20, 4906.201, 4923.02, 113  
5104.03, 5104.34, 5104.341, 5104.38, 5119.21, 5119.22, 5119.23, 114  
5119.25, 5119.40, 5123.01, 5123.011, 5123.012, 5123.16, 5123.162, 115  
5123.19, 5123.191, 5123.21, 5123.61, 5123.75, 5123.76, 5123.89, 116  
5124.01, 5124.101, 5124.106, 5124.15, 5124.151, 5124.17, 5124.19, 117  
5124.21, 5124.28, 5124.38, 5124.60, 5124.61, 5124.62, 5124.67, 118

5126.01, 5126.02, 5126.022, 5126.0219, 5126.041, 5126.046, 119  
5126.051, 5126.08, 5126.21, 5126.25, 5126.42, 5126.43, 5126.45, 120  
5139.05, 5139.34, 5139.36, 5139.41, 5153.21, 5153.42, 5165.03, 121  
5165.031, 5165.10, 5165.106, 5165.15, 5165.23, 5165.25, 5165.65, 122  
5165.68, 5502.26, 5502.261, 5513.01, 5531.10, 5703.052, 5703.21, 123  
5705.10, 5709.12, 5709.121, 5709.40, 5713.012, 5713.08, 5715.19, 124  
5715.27, 5717.01, 5727.111, 5739.05, 5739.09, 5747.02, 5747.025, 125  
5747.50, and 5747.71 be amended; Section 323.280 of Am. Sub. H.B. 126  
59 of the 130th General Assembly be amended and codified as 127  
section 5165.157 of the Revised Code; and sections 5.074, 5.077, 128  
9.54, 9.911, 127.163, 127.164, 164.261, 175.053, 193.01, 193.02, 129  
193.03, 193.04, 193.05, 193.07, 193.09, 193.11, 193.13, 306.14, 130  
307.678, 307.6910, 307.863, 340.092, 340.093, 340.20, 341.121, 131  
1541.50, 2935.012, 3123.90, 3302.15, 3313.351, 3313.902, 3326.29, 132  
3345.56, 3721.122, 4121.443, 4715.15, 4723.433, 4729.861, 133  
4730.093, 4731.77, 4741.49, 4758.48, 4758.62, 4758.63, 4758.64, 134  
5101.345, 5101.90, 5103.05, 5103.051, 5119.362, 5119.363, 135  
5119.364, 5119.365, 5119.401, 5122.36, 5123.0420, 5139.12, 136  
5139.45, and 5155.28 of the Revised Code be enacted to read as 137  
follows: 138

Sec. 5.074. The Ohio Veterans Memorial and Museum, located in 139  
Franklin county at the site described in division (B) of section 140  
307.6910 of the Revised Code, is the official state veterans 141  
memorial and museum. 142

Sec. 5.077. The museum located on the grounds of the Ohio 143  
state reformatory, operated by the Mansfield reformatory 144  
preservation society, is the official state penal museum. 145

**Sec. 7.10.** For the publication of advertisements, notices, 146  
and proclamations, except those relating to proposed amendments to 147  
the Ohio Constitution, required to be published by a public 148

officer of the state, a benevolent or other public institution, a trustee, assignee, executor, or administrator, or by or in any court of record, except when the rate is otherwise fixed by law, publishers of newspapers may charge and receive for such advertisements, notices, and proclamations rates charged on annual contracts by them for a like amount of space to other advertisers who advertise in its general display advertising columns.

For the publication of advertisements, notices, or proclamations required to be published by a public officer of a county, municipal corporation, township, school, or other political subdivision, publishers of newspapers shall establish a government rate, ~~which shall include free publication of advertisements, notices, or proclamations on the newspaper's internet web site, if the newspaper has one.~~ The government rate shall not exceed the lowest classified advertising rate and lowest insert rate paid by other advertisers.

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

Except as provided in section 2701.09 of the Revised Code, all legal advertisements ~~or~~, notices, and proclamations shall be printed in a newspaper of general circulation and shall be posted by the publisher of the newspaper on the newspaper's internet web site, if the newspaper has one. A publisher of a newspaper shall not charge for posting legal advertisements, notices, and proclamations that are required by law to be published in a newspaper of general circulation on the newspaper's internet web site.

Sec. 7.16. (A) As used in this section: 181

(1) "State agency" means any organized body, office, agency, 182  
institution, or other entity established by the laws of the state 183  
for the exercise of any function of state government, including 184  
state institutions of higher education, as defined in section 185  
3345.011 of the Revised Code. 186

(2) "Political subdivision" has the meaning defined in 187  
section 2744.01 of the Revised Code. 188

(B) If a section of the Revised Code or an administrative 189  
rule requires a state agency or a political subdivision to publish 190  
a notice or advertisement two or more times in a newspaper of 191  
general circulation and the section or administrative rule refers 192  
to this section, the first publication of the notice or 193  
advertisement shall be made in its entirety in a newspaper of 194  
general circulation and may be made in a preprinted insert in the 195  
newspaper, but the second publication otherwise required by that 196  
section or administrative rule may be made in abbreviated form in 197  
a newspaper of general circulation in the state or in the 198  
political subdivision, as designated in that section or 199  
administrative rule, and on the newspaper's internet web site, if 200  
the newspaper has one. The state agency or political subdivision 201  
may eliminate any further newspaper publications required by that 202  
section or administrative rule, provided that the second, 203  
abbreviated notice or advertisement meets all of the following 204  
requirements: 205

(1) It is published in the newspaper of general circulation 206  
in which the first publication of the notice or advertisement was 207  
made ~~and is published on that newspaper's internet web site, if~~ 208  
~~the newspaper has one.~~ 209

(2) It is ~~published~~ posted by the publisher of the newspaper 210  
on the ~~state~~ official public notice web site established under 211

section 125.182 of the Revised Code. The publisher shall post the 212  
required notice or advertisement on the web site at no additional 213  
cost. 214

(3) It includes a title, followed by a summary paragraph or 215  
statement that clearly describes the specific purpose of the 216  
notice or advertisement, and includes a statement that the notice 217  
or advertisement is posted in its entirety on the ~~state~~ official 218  
public notice web site. The notice or advertisement also may be 219  
posted on the state agency's or political subdivision's internet 220  
web site. 221

(4) It includes the internet ~~addresses~~ address of the ~~state~~ 222  
official public notice web site, ~~and of the newspaper's and state~~ 223  
~~agency's or political subdivision's internet web site if the~~ 224  
~~notice or advertisement is posted on those web sites,~~ and the 225  
name, address, telephone number, and electronic mail address of 226  
the state agency, political subdivision, or other party 227  
responsible for publication of the notice or advertisement. 228

(C) A notice or advertisement published under this section on 229  
an internet web site shall be published in its entirety in 230  
accordance with the section of the Revised Code or the 231  
administrative rule that requires the publication. 232

(D) If the ~~state~~ official public notice web site established 233  
under section 125.182 of the Revised Code is not operational, the 234  
state agency or political subdivision shall not publish a notice 235  
or advertisement under this section, but instead shall comply with 236  
the publication requirements of the section of the Revised Code or 237  
the administrative rule that refers to this section. 238

**Sec. 9.37.** (A) As used in this section, "public official" 239  
means any elected or appointed officer, employee, or agent of the 240  
state, any state institution of higher education, any political 241  
subdivision, board, commission, bureau, or other public body 242



established by law. "State institution of higher education" means 243  
any state university or college as defined in division (A)(1) of 244  
section 3345.12 of the Revised Code, community college, state 245  
community college, university branch, or technical college. 246

(B) Except as provided in divisions (F) and (G) of this 247  
section, any public official may make by direct deposit of funds 248  
by electronic transfer, if the payee provides a written 249  
authorization designating a financial institution and an account 250  
number to which the payment is to be credited, any payment such 251  
public official is permitted or required by law in the performance 252  
of official duties to make by issuing a check or warrant. 253

(C) Such public official may contract with a financial 254  
institution for the services necessary to make direct deposits and 255  
draw lump-sum checks or warrants payable to that institution in 256  
the amount of the payments to be transferred. 257

(D) Before making any direct deposit as authorized under this 258  
section, the public official shall ascertain that the account from 259  
which the payment is to be made contains sufficient funds to cover 260  
the amount of the payment. 261

(E) If the issuance of checks and warrants by a public 262  
official requires authorization by a governing board, commission, 263  
bureau, or other public body having jurisdiction over the public 264  
official, the public official may only make direct deposits and 265  
contracts under this section pursuant to a resolution of 266  
authorization duly adopted by such governing board, commission, 267  
bureau, or other public body. 268

(F) Pursuant to sections 307.55, 319.16, and 321.15 of the 269  
Revised Code, a county auditor may issue, and a county treasurer 270  
may redeem, electronic warrants authorizing direct deposit for 271  
payment of county obligations in accordance with rules adopted by 272  
the director of budget and management pursuant to Chapter 119. of 273

the Revised Code. 274

(G) The legislative authority of a municipal corporation, for 275  
~~employees~~ public officials of the municipal corporation, a county 276  
auditor, for county ~~employees~~ public officials, or a board of 277  
township trustees, for township ~~employees~~ public officials, may 278  
adopt a direct deposit payroll policy under which all ~~employees~~ 279  
public officials of the municipal corporation, all county 280  
~~employees~~ public officials, or all township ~~employees~~ public 281  
officials, as the case may be, provide a written authorization 282  
designating a financial institution and an account number to which 283  
payment of the ~~employee's~~ public official's compensation shall be 284  
credited under the municipal corporation's, county's, or 285  
township's direct deposit payroll policy. The direct deposit 286  
payroll policy adopted by the legislative authority of a municipal 287  
corporation, a county auditor, or a board of township trustees may 288  
exempt from the direct deposit requirement those municipal, 289  
county, or township ~~employees~~ public officials who cannot provide 290  
an account number, or for other reasons specified in the policy. 291  
The written authorization is not a public record under section 292  
149.43 of the Revised Code. 293

**Sec. 9.482.** (A) As used in this section, ~~political:~~ 294

(1) "Political subdivision" has the meaning defined in 295  
section 2744.01 of the Revised Code. 296

(2) "State agency" means any organized body, office, agency, 297  
institution, or other entity established by the laws of the state 298  
for the exercise of any function of state government. The term 299  
includes a state institution of higher education as defined in 300  
section 3345.011 of the Revised Code. 301

(B)(1) When legally authorized ~~by their respective~~ 302  
~~legislative authorities to do so~~, a political subdivision may 303  
enter into an agreement with another political subdivision or a 304

state agency whereby a the contracting political subdivision or 305  
state agency agrees to exercise any power, perform any function, 306  
or render any service for ~~another~~ the contracting recipient 307  
political subdivision that the contracting recipient political 308  
subdivision is otherwise legally authorized to exercise, perform, 309  
or render. 310

In (2) When legally authorized to do so, a state agency may 311  
enter into an agreement with a political subdivision whereby the 312  
contracting political subdivision agrees to exercise any power, 313  
perform any function, or render any service for the contracting 314  
recipient state agency that the contracting recipient state agency 315  
is otherwise legally authorized to exercise, perform, or render. 316

(C) In the absence in the agreement of provisions determining 317  
by what officer, office, department, agency, or other authority 318  
the powers and duties of a contracting political subdivision shall 319  
be exercised or performed, the legislative authority of the 320  
contracting political subdivision shall determine and assign the 321  
powers and duties. 322

An agreement shall not suspend the possession by a 323  
contracting recipient political subdivision or state agency of any 324  
power or function that is exercised or performed on its behalf by 325  
~~another~~ the other contracting political subdivision or the 326  
contracting state agency under the agreement. 327

A political subdivision shall not enter into an agreement to 328  
levy any tax or to exercise, with regard to public moneys, any 329  
investment powers, perform any investment function, or render any 330  
investment service on behalf of a contracting subdivision. Nothing 331  
in this paragraph prohibits a political subdivision from entering 332  
into an agreement to collect, administer, or enforce any tax on 333  
behalf of another political subdivision or to limit the authority 334  
of political subdivisions to create and operate joint economic 335  
development zones or joint economic development districts as 336

provided in sections 715.69 to 715.83 of the Revised Code. 337

~~(C)~~(D) No county elected officer may be required to exercise 338  
any power, perform any function, or render any service under an 339  
agreement entered into under this section without the written 340  
consent of the county elected officer. No county may enter into an 341  
agreement under this section for the exercise, performance, or 342  
rendering of any statutory powers, functions, or services of any 343  
county elected officer without the written consent of the county 344  
elected officer. 345

~~(D)~~(E) No power shall be exercised, no function shall be 346  
performed, and no service shall be rendered by a contracting 347  
political subdivision or state agency pursuant to an agreement 348  
entered into under this section within a political subdivision 349  
that is not a party to the agreement, without first obtaining the 350  
written consent of the political subdivision that is not a party 351  
to the agreement and within which the power is to be exercised, a 352  
function is to be performed, or a service is to be rendered. 353

~~(E)~~(F) Chapter 2744. of the Revised Code, insofar as it 354  
applies to the operation of a political subdivision, applies to 355  
the political subdivisions that are parties to an agreement and to 356  
their employees when they are rendering a service outside the 357  
boundaries of their employing political subdivision under the 358  
agreement. Employees acting outside the boundaries of their 359  
employing political subdivision while providing a service under an 360  
agreement may participate in any pension or indemnity fund 361  
established by the political subdivision to the same extent as 362  
while they are acting within the boundaries of the political 363  
subdivision, and are entitled to all the rights and benefits of 364  
Chapter 4123. of the Revised Code to the same extent as while they 365  
are performing a service within the boundaries of the political 366  
subdivision. 367

Sec. 9.54. Whoever erects or replaces a sign containing the 368  
international symbol of access shall use forms of the word 369  
"accessible" rather than forms of the words "handicapped" or 370  
"disabled" whenever words are included on the sign. 371

**Sec. 9.90.** (A) The board of trustees or other governing body 372  
of a state institution of higher education, as defined in section 373  
3345.011 of the Revised Code, board of education of a school 374  
district, or governing board of an educational service center may, 375  
in addition to all other powers provided in the Revised Code: 376

(1) Contract for, purchase, or otherwise procure from an 377  
insurer or insurers licensed to do business by the state of Ohio 378  
for or on behalf of such of its employees as it may determine, 379  
life insurance, or sickness, accident, annuity, endowment, health, 380  
medical, hospital, dental, or surgical coverage and benefits, or 381  
any combination thereof, by means of insurance plans or other 382  
types of coverage, family, group or otherwise, and may pay from 383  
funds under its control and available for such purpose all or any 384  
portion of the cost, premium, or charge for such insurance, 385  
coverage, or benefits. However, the governing board, in addition 386  
to or as an alternative to the authority otherwise granted by 387  
division (A)(1) of this section, may elect to procure coverage for 388  
health care services, for or on behalf of such of its employees as 389  
it may determine, by means of policies, contracts, certificates, 390  
or agreements issued by at least two health insuring corporations 391  
holding a certificate of authority under Chapter 1751. of the 392  
Revised Code and may pay from funds under the governing board's 393  
control and available for such purpose all or any portion of the 394  
cost of such coverage. 395

(2) Make payments to a custodial account for investment in 396  
regulated investment company stock ~~for the purpose of providing~~ 397  
~~retirement benefits as described in section 403(b)(7) of the that~~ 398

~~is treated as an annuity under Internal Revenue Code of 1954, as~~ 399  
~~amended. Such stock shall be purchased only from persons~~ 400  
~~authorized to sell such stock in this state section 403(b).~~ 401

Any income of an employee deferred under divisions (A)(1) and 402  
(2) of this section in a deferred compensation program eligible 403  
for favorable tax treatment under the Internal Revenue Code of 404  
~~1954, as amended,~~ shall continue to be included as regular 405  
compensation for the purpose of computing the contributions to and 406  
benefits from the retirement system of such employee. Any sum so 407  
deferred shall not be included in the computation of any federal 408  
and state income taxes withheld on behalf of any such employee. 409

(B) All or any portion of the cost, premium, or charge 410  
therefor may be paid in such other manner or combination of 411  
manners as the board or governing body may determine, including 412  
direct payment by the employee in cases under division (A)(1) of 413  
this section, and, if authorized in writing by the employee in 414  
cases under division (A)(1) or (2) of this section, by the board 415  
or governing body with moneys made available by deduction from or 416  
reduction in salary or wages or by the foregoing of a salary or 417  
wage increase. Nothing in section 3917.01 or section 3917.06 of 418  
the Revised Code shall prohibit the issuance or purchase of group 419  
life insurance authorized by this section by reason of payment of 420  
premiums therefor by the board or governing body from its funds, 421  
and such group life insurance may be so issued and purchased if 422  
otherwise consistent with the provisions of sections 3917.01 to 423  
3917.07 of the Revised Code. 424

(C) The board of education of any school district may 425  
exercise any of the powers granted to the governing boards of 426  
public institutions of higher education under divisions (A) and 427  
(B) of this section. All health care benefits provided to persons 428  
employed by the public schools of this state shall be through 429  
health care plans that contain best practices established by the 430

department of administrative services pursuant to section 9.901 of 431  
the Revised Code. 432

**Sec. 9.91.** ~~If the governing board of a public institution of~~ 433  
~~higher education or~~ the board of education of a school district 434  
procures a tax-sheltered annuity for an employee, pursuant to 435  
section 9.90 of the Revised Code, that meets the requirements of 436  
~~section 403(b) of the Internal Revenue Code of 1954, 26 U.S.C.A.~~ 437  
section 403(b), the employee has the right to designate the 438  
licensed agent, broker, or company through whom the board shall 439  
arrange for the placement or purchase of the tax-sheltered 440  
annuity. In any case in which the employee has designated such an 441  
agent, broker, or company, the board shall comply with the 442  
designation, provided that the board may impose either or both of 443  
the following as conditions to complying with any such 444  
designations: 445

(A) The designee must execute a reasonable agreement 446  
protecting the institution or district from any liability 447  
attendant to procuring the annuity; 448

(B) The designee must be designated by a number of employees 449  
equal to at least one per cent of the board's full-time employees 450  
or at least five employees, whichever is greater, except that the 451  
board may not require that the agent, broker, or company be 452  
designated by more than fifty employees. 453

**Sec. 9.911.** (A) An annuity contract or custodial account 454  
procured for an employee of a public institution of higher 455  
education pursuant to section 9.90 of the Revised Code shall 456  
comply with both of the following: 457

(1) The annuity contract or custodial account must meet the 458  
requirements of Internal Revenue Code section 403(b). 459

(2) The institution, in its sole and absolute discretion, 460

shall arrange for the procurement of the annuity contract or 461  
custodial account by doing one of the following: 462

(a) Selecting a minimum of four providers of annuity 463  
contracts or custodial accounts through a selection process 464  
determined by the institution in its sole and absolute discretion, 465  
except that if fewer than four providers are available the 466  
institution shall select the number of providers available. 467

(b) Subject to division (D) of this section, allowing each 468  
eligible employee to designate a licensed agent, broker, or 469  
company as a provider. 470

(B) Division (A)(2)(a) of this section does not require a 471  
public institution of higher education to select a provider if 472  
either of the following is the case: 473

(1) The provider is not willing to provide an annuity 474  
contract or custodial account at that public institution. 475

(2) The provider is not willing to agree to the terms and 476  
conditions of the agreement described in division (E) of this 477  
section. 478

(C) Designation as a provider under section 9.90 of the 479  
Revised Code prior to the effective date of this section does not 480  
give a licensed agent, broker, or company a right to be selected 481  
as a provider under this section, but subject to division (D) of 482  
this section, such a licensed agent, broker, or company shall 483  
remain a provider until another provider is selected under 484  
division (A)(2) of this section. 485

(D) If an employee designates a provider under division 486  
(A)(2)(b) of this section, the employing institution shall comply 487  
with the designation but may require either or both of the 488  
following: 489

(1) That the provider enter into an agreement with the 490



institution that does either or both of the following: 491

(a) Prohibits the provider from transferring funds to a third 492  
party without the express consent of the institution or its 493  
authorized representative; 494

(b) Includes such other terms and conditions as are 495  
established by the institution in its sole discretion. 496

(2) That the provider be designated by a number of employees 497  
equal to at least one per cent of the institution's eligible 498  
employees or at least five employees, whichever is greater, except 499  
that the institution may not require that the provider be 500  
designated by more than fifty employees. 501

(E) An institution may require a provider selected under 502  
division (A)(2)(a) of this section to enter into an agreement with 503  
the institution that does either or both of the following: 504

(1) Prohibits the provider from transferring funds to a third 505  
party without the express consent of the institution or its 506  
authorized representative; 507

(2) Includes such other terms and conditions as are 508  
established by the institution in its sole discretion. 509

**Sec. 103.63.** There is established an Ohio constitutional 510  
modernization commission consisting of thirty-two members. Twelve 511  
members shall be appointed from the general assembly as follows: 512  
three by the president of the senate, three by the minority leader 513  
of the senate, three by the speaker of the house of 514  
representatives, and three by the minority leader of the house of 515  
representatives. ~~Not later than~~ On or before the tenth day of 516  
January 1, 2012, and every two years thereafter even-numbered 517  
year, the twelve general assembly members shall meet, organize, 518  
and elect two co-chairpersons, who shall be from different 519  
political parties. Beginning in 2014, the twelve general assembly 520

members shall elect one co-chairperson from each house of the 521  
general assembly. The members shall then, by majority vote, 522  
appoint twenty commission members, not from the general assembly. 523  
All appointments shall end on the first day of January of every 524  
even-numbered year, or as soon thereafter as successors are 525  
appointed, and the commission shall then be re-created in the 526  
manner provided above. Members may be reappointed. Vacancies on 527  
the commission shall be filled in the manner provided for original 528  
appointments. 529

The members of the commission shall serve without 530  
compensation, but each member shall be reimbursed for actual and 531  
necessary expenses incurred while engaging in the performance of 532  
the member's official duties. Membership on the commission does 533  
not constitute holding another public office. The joint 534  
legislative ethics committee is the appropriate ethics commission 535  
as described in division (F) of section 102.01 of the Revised Code 536  
for matters relating to the public members appointed to the Ohio 537  
constitutional modernization commission. 538

**Sec. 118.27.** (A) A financial planning and supervision 539  
commission with respect to a municipal corporation, county, or 540  
township, and its functions under this chapter, shall continue in 541  
existence until such time as a determination is made pursuant to 542  
division (B) of this section ~~that~~ of one of the following: 543

(1) In the case of a village, the village has dissolved under 544  
section 118.31, 703.20, or 703.201 of the Revised Code. 545

(2) In the case of a township, the township has dissolved 546  
under section 118.31 of the Revised Code. 547

(3) In the case of a municipal corporation, county, or 548  
township, the municipal corporation, county, or township has done 549  
all of the following: 550

~~(1)~~(a) Planned, and is in the process of good faith 551  
implementation of, an effective financial accounting and reporting 552  
system in accordance with section 118.10 of the Revised Code, and 553  
it is reasonably expected that such implementation will be 554  
completed within two years; 555

~~(2)~~(b) Corrected and eliminated or has planned and is in the 556  
process of good faith implementation of correcting and eliminating 557  
all of the fiscal emergency conditions determined pursuant to 558  
section 118.04 of the Revised Code, and no new fiscal emergency 559  
conditions have occurred. The auditor of state shall monitor the 560  
progress of the municipal corporation, county, or township in its 561  
plan of good faith implementation of correcting and eliminating 562  
all the fiscal emergency conditions. This monitoring is to secure 563  
full implementation at the earliest time feasible but within two 564  
years from such termination. If after a two-year period, the 565  
municipal corporation, county, or township has failed to secure 566  
full implementation, the auditor of state may redeclare the 567  
municipal corporation, county, or township to be in a fiscal 568  
emergency. 569

~~(3)~~(c) Met the objectives of the financial plan described in 570  
section 118.06 of the Revised Code; 571

~~(4)~~(d) The municipal corporation, county, or township 572  
prepares a financial forecast for a five-year period in accordance 573  
with the standards issued by the auditor of state. An opinion must 574  
be rendered by the auditor of state that the financial forecast is 575  
considered to be nonadverse. 576

(B) The determination that ~~all of such~~ the conditions for the 577  
termination of the existence of the commission and its functions 578  
exist may be made either by the auditor of state or by the 579  
commission and shall be certified to the commission, the auditor 580  
of state, the governor, and the budget commission, whereupon such 581  
commission and its functions under this chapter shall terminate. 582

Such determination shall be made by the auditor of state upon the 583  
filing with the auditor of state of a written request for such 584  
determination by the municipal corporation, county, or township, 585  
the governor, or the commission, or may be made by the auditor of 586  
state upon the auditor of state's own initiative. 587

(C) The commission shall prepare and submit with such 588  
certification a final report of its activities, in such form as is 589  
appropriate for the purpose of providing a record of its 590  
activities and assisting other commissions created under this 591  
chapter in the conduct of their functions. All of the books and 592  
records of the commission shall be delivered to the auditor of 593  
state for retention and safekeeping. 594

(D) Upon receipt of the certification provided for in 595  
division (B) of this section, the director shall follow the 596  
procedures set forth in section 126.29 of the Revised Code. 597

(E) If, at the time of termination of the commission, an 598  
effective financial accounting and reporting system has not been 599  
fully implemented, the auditor of state shall monitor the progress 600  
of implementation and shall exercise authority under Chapter 117. 601  
and section 118.10 of the Revised Code to secure full 602  
implementation at the earliest time feasible but within two years 603  
from such termination. 604

**Sec. 121.084.** (A) All moneys collected under sections 605  
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 606  
4169.03, ~~4171.04~~, and 5104.051 of the Revised Code, and any other 607  
moneys collected by the division of industrial compliance shall be 608  
paid into the state treasury to the credit of the industrial 609  
compliance operating fund, which is hereby created. The department 610  
of commerce shall use the moneys in the fund for paying the 611  
operating expenses of the division and the administrative 612  
assessment described in division (B) of this section. 613

(B) The director of commerce, with the approval of the 614  
director of budget and management, shall prescribe procedures for 615  
assessing the industrial compliance operating fund a proportionate 616  
share of the administrative costs of the department of commerce. 617  
The assessment shall be made in accordance with those procedures 618  
and be paid from the industrial compliance operating fund to the 619  
division of administration fund created in section 121.08 of the 620  
Revised Code. 621

**Sec. 122.12.** As used in this section and in section 122.121 622  
of the Revised Code: 623

(A) "Endorsing county" means a county that contains a site 624  
selected by a site selection organization for one or more games. 625

(B) "Endorsing municipality" means a municipal corporation 626  
that contains a site selected by a site selection organization for 627  
one or more games. 628

(C) "Game support contract" means a joinder undertaking, 629  
joinder agreement, or similar contract executed by an endorsing 630  
municipality or endorsing county and a site selection 631  
organization. 632

(D)~~(1)~~ "Game" means a national or international competition 633  
of football, auto racing, rugby, cricket, horse racing, mixed 634  
martial arts, boxing, or any sport that is governed by an 635  
international federation and included in at least one of the 636  
following: 637

~~(1)(a)~~ Olympic games; 638

~~(2)(b)~~ Pan American games; 639

~~(3)(c)~~ Commonwealth games. 640

(2) "Game" includes the special olympics. 641

(E) "Joinder agreement" means an agreement entered into by a 642

local organizing committee, endorsing municipality, or endorsing 643  
county, or more than one endorsing municipality or county acting 644  
collectively and a site selection organization setting out 645  
representations and assurances by each endorsing municipality or 646  
endorsing county in connection with the selection of a site in 647  
this state for the location of a game. 648

(F) "Joinder undertaking" means an agreement entered into by 649  
a local organizing committee, endorsing municipality, or endorsing 650  
county, or more than one endorsing municipality or county acting 651  
collectively and a site selection organization that each endorsing 652  
municipality or endorsing county will execute a joinder agreement 653  
in the event that the site selection organization selects a site 654  
in this state for a game. 655

(G) "Local organizing committee" means a nonprofit 656  
corporation or its successor in interest that: 657

(1) Has been authorized by an endorsing municipality, 658  
endorsing county, or more than one endorsing municipality or 659  
county acting collectively to pursue an application and bid on the 660  
applicant's behalf to a site selection organization for selection 661  
as the site of one or more games; or 662

(2) With the authorization of an endorsing municipality, 663  
endorsing county, or more than one endorsing municipality or 664  
county acting collectively, has executed an agreement with a site 665  
selection organization regarding a bid to host one or more games. 666

(H) "Site selection organization" means the national or 667  
international governing body of a sport that is recognized as such 668  
by the endorsing municipality, endorsing county, or local 669  
organizing committee. 670

**Sec. 122.121.** (A) If a local organizing committee, endorsing 671  
municipality, or endorsing county enters into a joinder 672

undertaking with a site selection organization, the local 673  
organizing committee, endorsing municipality, or endorsing county 674  
may apply to the director of development services, on a form and 675  
in the manner prescribed by the director, for a grant based on the 676  
projected incremental increase in the receipts from the tax 677  
imposed under section 5739.02 of the Revised Code within the 678  
market area designated under division (C) of this section, for the 679  
two-week period that ends at the end of the day after the date on 680  
which a game will be held, that is directly attributable, as 681  
determined by the director, to the preparation for and 682  
presentation of the game. The director shall determine the 683  
projected incremental increase in the tax imposed under section 684  
5739.02 of the Revised Code by using a formula approved by the 685  
destination marketing association international for event impact 686  
or another formula of similar purpose approved by the director. 687  
The local organizing committee, endorsing municipality, or 688  
endorsing county is eligible to receive a grant under this section 689  
only if the projected incremental increase in receipts from the 690  
tax imposed under section 5739.02 of the Revised Code, as 691  
determined by the director, exceeds two hundred fifty thousand 692  
dollars. The amount of the grant shall be not less than fifty per 693  
cent of the projected incremental increase in receipts, as 694  
determined by the director, but shall not exceed five hundred 695  
thousand dollars. The director shall not issue grants with a total 696  
value of more than one million dollars in any fiscal year, and 697  
shall not issue any grant before July 1, 2013. 698

(B) If the director of development services approves an 699  
application for a local organizing committee, endorsing 700  
municipality, or endorsing county and that local organizing 701  
committee, endorsing municipality, or endorsing county enters into 702  
a joinder agreement with a site selection organization, the local 703  
organizing committee, endorsing municipality, or endorsing county 704

shall file a copy of the joinder agreement with the director of development, who immediately shall notify the director of budget and management of the filing. Within thirty days after receiving the notice, the director of budget and management shall establish a schedule to disburse from the general revenue fund to such local organizing committee, endorsing municipality, or endorsing county payments that total the amount certified by the director of development under division (A) of this section, but in no event shall the total amount disbursed exceed five hundred thousand dollars, and no disbursement shall be made before July 1, 2013. The ~~payments~~ grant shall be used exclusively by the local organizing committee, endorsing municipality, or endorsing county to fulfill a portion of its obligations to a site selection organization under game support contracts, which obligations may include the payment of costs relating to the preparations necessary for the conduct of the game, including acquiring, renovating, or constructing facilities; to pay the costs of conducting the game; and to assist the local organizing committee, endorsing municipality, or endorsing county in providing assurances required by a site selection organization sponsoring one or more games.

(C) For the purposes of division (A) of this section, the director of development services, in consultation with the tax commissioner, shall designate the market area for a game. The market area shall consist of the combined statistical area, as defined by the United States office of management and budget, in which an endorsing municipality or endorsing county is located.

(D) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the director of development services and tax commissioner to enable the director and commissioner to fulfill their duties under this section, including annual audited statements of any financial



records required by a site selection organization and data 737  
obtained by the local organizing committee, endorsing 738  
municipality, or endorsing county relating to attendance at a game 739  
and to the economic impact of the game. A local organizing 740  
committee, an endorsing municipality, or an endorsing county shall 741  
provide an annual audited financial statement if so required by 742  
the director and commissioner, not later than the end of the 743  
fourth month after the date the period covered by the financial 744  
statement ends. 745

(E) Within thirty days after the game, the local organizing 746  
committee, endorsing municipality, or endorsing county shall 747  
report to the director of development services about the economic 748  
impact of the game. The report shall be in the form and substance 749  
required by the director, including, but not limited to, a final 750  
income statement for the event showing total revenue and 751  
expenditures and revenue and expenditures in the market area for 752  
the game, and ticket sales for the game and any related activities 753  
for which admission was charged. The director ~~of development~~ shall 754  
determine, based on the reported information and the exercise of 755  
reasonable judgment, the incremental increase in receipts from the 756  
tax imposed under section 5739.02 of the Revised Code directly 757  
attributable to the game. If the actual incremental increase in 758  
such receipts is less than the projected incremental increase in 759  
receipts, the director may require the local organizing committee, 760  
endorsing municipality, or endorsing county to refund to the state 761  
all or a portion of the grant. 762

(F) No disbursement may be made under this section if the 763  
director of development services determines that it would be used 764  
for the purpose of soliciting the relocation of a professional 765  
sports franchise located in this state. 766

(G) This section may not be construed as creating or 767  
requiring a state guarantee of obligations imposed on an endorsing 768

municipality or endorsing county under a game support contract or 769  
any other agreement relating to hosting one or more games in this 770  
state. 771

**Sec. 122.861.** (A) As used in this section: 772

(1) "Certified engine configuration" means a new, rebuilt, or 773  
remanufactured engine configuration that satisfies divisions 774  
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 775  
section: 776

(a) It has been certified by the administrator of the United 777  
States environmental protection agency or the California air 778  
resources board. 779

(b) It meets or is rebuilt or remanufactured to a more 780  
stringent set of engine emission standards than when originally 781  
manufactured, as determined pursuant to Subtitle G of Title VII of 782  
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 783  
et seq. 784

(c) In the case of a certified engine configuration involving 785  
the replacement of an existing engine, an engine configuration 786  
that replaced an engine that was removed from the vehicle and 787  
returned to the supplier for remanufacturing to a more stringent 788  
set of engine emissions standards or for scrappage. 789

(2) "Section 793" means section 793 of the Energy Policy Act 790  
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 791

(3) "Verified technology" means a pollution control 792  
technology, including a retrofit technology, advanced truckstop 793  
electrification system, or auxiliary power unit, that has been 794  
verified by the administrator of the United States environmental 795  
protection agency or the California air resources board. 796

(B) For the purpose of reducing emissions from diesel 797  
engines, the director of environmental protection shall administer 798

a diesel emissions reduction grant program and a ~~diesel emissions~~ 799  
~~reduction revolving loan~~ clean diesel school bus program. The 800  
programs shall provide for the implementation in this state of 801  
section 793 and shall otherwise be administered in compliance with 802  
the requirements of section 793, and any regulations issued 803  
pursuant to that section. 804

The director shall apply to the administrator of the United 805  
States environmental protection agency for grant or loan funds 806  
available under section 793 to help fund the diesel emissions 807  
reduction grant program and the ~~diesel emissions reduction~~ 808  
~~revolving loan~~ clean diesel school bus program. 809

~~(C) There is hereby created in the state treasury the diesel~~ 810  
~~emissions reduction revolving loan fund consisting of money~~ 811  
~~appropriated to it by the general assembly, any grants obtained~~ 812  
~~from the federal government under section 793, and any other~~ 813  
~~grants, gifts, or other contributions of money made to the credit~~ 814  
~~of the fund. Money in the fund shall be used for the purpose of~~ 815  
~~making loans for projects relating to certified engine~~ 816  
~~configurations and verified technologies in a manner consistent~~ 817  
~~with the requirements of section 793 and any regulations issued~~ 818  
~~pursuant to that section. Interest earned from moneys in the fund~~ 819  
~~shall be used to administer the diesel emissions reduction~~ 820  
~~revolving loan program.~~ 821

**Sec. 124.32.** (A) A person holding an office or position in 822  
the classified service may be transferred to a similar position in 823  
another office, department, or institution having the same pay and 824  
similar duties, but no transfer shall be made as follows: 825

(1) From an office or position in one class to an office or 826  
position in another class; 827

(2) To an office or position for original entrance to which 828  
there is required by sections 124.01 to 124.64 of the Revised 829

Code, or the rules adopted pursuant to those sections, an 830  
examination involving essential tests or qualifications or 831  
carrying a salary different from or higher than those required for 832  
original entrance to an office or position held by the person 833  
proposed to be transferred. 834

No person in the classified civil service of the state may be 835  
transferred without the consent of the director of administrative 836  
services. 837

(B) Any person holding an office or position in the 838  
classified service who has been separated from the service without 839  
delinquency or misconduct on the person's part may be reinstated 840  
within one year from the date of that separation to a vacancy in 841  
the same office or in a similar position in the same department, 842  
except that a person in the classified service of the state only 843  
may be reinstated with the consent of the director of 844  
administrative services. But, if that separation is due to injury 845  
or physical or psychiatric disability, the person shall be 846  
reinstated in the same office held or in a similar position to 847  
that held at the time of separation, within ~~thirty~~ sixty days 848  
after written application for reinstatement, if the person passes 849  
a physical or psychiatric examination made by a licensed 850  
physician, a physician assistant, a clinical nurse specialist, a 851  
certified nurse practitioner, or a certified nurse-midwife showing 852  
that the person has recovered from the injury or physical or 853  
psychiatric disability, if the application for reinstatement is 854  
filed within two years from the date of separation, and if the 855  
application is not filed after the date of service eligibility 856  
retirement. The physician, physician assistant, clinical nurse 857  
specialist, certified nurse practitioner, or certified 858  
nurse-midwife shall be designated by the appointing authority and 859  
shall complete any written documentation of the physical or 860  
psychiatric examination. 861

Sec. 125.13. (A) As used in this section:	862
(1) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.	863 864
(2) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.	865 866
(B) Except as otherwise provided in section 5139.03 of the Revised Code, whenever a state agency determines that it has excess or surplus supplies, it shall notify the director of administrative services. Upon request by the director and on forms provided by the director, the state agency shall furnish to the director a list of all those excess and surplus supplies and an appraisal of their value.	867 868 869 870 871 872 873
(C) The director of administrative services shall take immediate control of a state agency's excess and surplus supplies, except for the following excess and surplus supplies:	874 875 876
(1) Excess or surplus supplies that have a value below the minimum value that the director establishes for excess and surplus supplies under division (F) of this section;	877 878 879
(2) Excess or surplus supplies that the director has authorized an agency to donate to a public entity, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division (H) of this section;	880 881 882 883 884
(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;	885 886
(4) Hazardous property.	887
(D) The director shall inventory excess and surplus supplies in the director's control and may have the supplies repaired.	888 889
(E) The director may do either of the following:	890

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

(a) To state agencies;

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

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

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

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

(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division.

(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation,

except that no employee of the disposing agency shall be allowed 922  
to purchase, lease, or receive any such supplies. The director may 923  
dispose of declared surplus or excess supplies, including motor 924  
vehicles, in the director's control as the director determines 925  
proper if such supplies cannot be disposed of pursuant to division 926  
(E) of this section. The director shall by rule establish a 927  
minimum value for excess and surplus supplies and prescribe 928  
procedures for a state agency to follow in disposing of excess and 929  
surplus supplies in its control that have a value below the 930  
minimum value established by the director. 931

(G) No state-supported or state-assisted institution of 932  
higher education, tax-supported agency, municipal corporation, or 933  
other political subdivision of this state, private fire company, 934  
or private, nonprofit emergency medical service organization shall 935  
sell, lease, or transfer excess or surplus supplies acquired under 936  
this section to private entities or the general public at a price 937  
greater than the price it originally paid for those supplies. 938

(H) The director of administrative services may authorize any 939  
state agency to transfer surplus computers and computer equipment 940  
that are not needed by other state agencies directly to an 941  
accredited public school within the state. The computers and 942  
computer equipment may be repaired or refurbished prior to 943  
transfer. The state agency may charge a service fee to the public 944  
schools for the property not to exceed the direct cost of 945  
repairing or refurbishing it. The state agency shall deposit such 946  
funds into the account used for repair or refurbishment. 947

**Sec. 125.182.** ~~The office of information technology, by itself~~ 948  
~~or by contract with another entity,~~ (A) An Ohio trade association 949  
that represents the majority of newspapers of general circulation 950  
as defined in section 7.12 of the Revised Code shall establish, 951  
~~operate,~~ and maintain a state the official public notice web site. 952

~~In establishing, maintaining, and operating the state public notice web site, the office of information technology~~ 953  
954

Not later than one hundred eighty days after the effective date of this section, in all cases in which a notice or advertisement is required by a section of the Revised Code or an administrative rule to be published in a newspaper of general circulation, or in a daily law journal as required by section 2701.09 of the Revised Code, the notice or advertisement also shall be posted on the official public notice web site by the publisher of the newspaper or journal. 955  
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The operator of the official public notice web site shall: 963

~~(A)~~(1) Use a domain name for the web site that will be easily recognizable and remembered by and understandable to users of the web site; 964  
965  
966

~~(B)~~(2) Maintain the web site on the internet so that it is fully accessible to and searchable by members of the public at all times, other than during maintenance or acts of God outside the operator's control; 967  
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~~(C)~~(3) Not charge a fee to a person ~~who~~ that accesses, the web site to view notices or advertisements or to perform searches, or otherwise uses of the web site, provided that the operator may charge a fee for enhanced search and customized content delivery features; 971  
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~~(D)~~(4) Not charge a fee to a state agency or political subdivision for publishing a notice or advertisement on the web site; 976  
977  
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~~(E)~~(5) Ensure that notices and advertisements displayed on the web site conform to the requirements that would apply to the notices and advertisements if they were being published in a newspaper, as directed in section 7.16 of the Revised Code or in the relevant provision of the statute or rule that requires the 979  
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notice;	984
<del>(F)(6) Ensure that notices <u>and advertisements</u> continue to be</del>	985
<del>displayed on the web site for not less than the length of time</del>	986
<del>required by the relevant provision of the statute or rule that</del>	987
<del>requires the notice <u>or advertisement</u>;</del>	988
<del>(G) Devise and display on the web site a form that may be</del>	989
<del>downloaded and used to request publication of a notice on the web</del>	990
<del>site;</del>	991
<del>(H) Enable responsible parties to submit notices and requests</del>	992
<del>for their publication;</del>	993
<del>(I)(7) Maintain an archive of notices <u>and advertisements</u> that</del>	994
<del>no longer are displayed on the web site;</del>	995
<del>(J)(8) Enable notices <u>and advertisements</u>, both those</del>	996
<del>currently displayed and those archived, to be accessed by key</del>	997
<del>word, by party name, by case number, by county, and by other</del>	998
<del>useful identifiers;</del>	999
<del>(K)(9) Maintain adequate systemic security and backup</del>	1000
<del>features, and develop and maintain a contingency plan for coping</del>	1001
<del>with and recovering from power outages, systemic failures, and</del>	1002
<del>other unforeseeable difficulties;</del>	1003
<del>(L) Maintain the web site in such a manner that it will not</del>	1004
<del>infringe legally protected interests, so that vulnerability of the</del>	1005
<del>web site to interruption because of litigation or the threat of</del>	1006
<del>litigation is reduced; and</del>	1007
<del>(M) Submit a status report to the secretary of state twice</del>	1008
<del>annually that demonstrates compliance with statutory requirements</del>	1009
<del>governing publication of notices.</del>	1010
<del>The office of information technology shall bear the expense</del>	1011
<del>of maintaining the state public notice web site domain name <u>(10)</u></del>	1012
<del><u>Provide access to the web site to the publisher of any Ohio</u></del>	1013

newspaper or daily law journal that qualifies under the Revised Code to publish notices and advertisements, for the posting of notices and advertisements at no cost, or for a reasonable, uniform fee for the service; and

(11) Provide, if requested, a regularly scheduled feed or similar data transfer to the department of administrative services of notices and advertisements posted on the web site, provided that the operator of the web site shall not be required to provide the feed or transfer more often than once every business day.

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

(C) The official public notice web site shall not contain any political publications or political advertising described in division (A)(1)(a), (b), or (c) of section 3517.20 of the Revised Code.

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

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

(1) Keep all necessary accounting records;

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

- (3) Establish procedures for the use of written, electronic, 1044  
optical, or other communications media for approving and reviewing 1045  
payment vouchers; 1046
- (4) Reconcile, in the case of any variation between the 1047  
amount of any appropriation and the aggregate amount of items of 1048  
the appropriation, with the advice and assistance of the state 1049  
agency affected by it and the legislative service commission, 1050  
totals so as to correspond in the aggregate with the total 1051  
appropriation. In the case of a conflict between the item and the 1052  
total of which it is a part, the item shall be considered the 1053  
intended appropriation. 1054
- (5) Evaluate on an ongoing basis and, if necessary, recommend 1055  
improvements to the internal controls used in state agencies; 1056
- (6) Authorize the establishment of petty cash accounts. The 1057  
director may withdraw approval for any petty cash account and 1058  
require the officer in charge to return to the state treasury any 1059  
unexpended balance shown by the officer's accounts to be on hand. 1060  
Any officer who is issued a warrant for petty cash shall render a 1061  
detailed account of the expenditures of the petty cash and shall 1062  
report when requested the balance of petty cash on hand at any 1063  
time. 1064
- (7) Process orders, invoices, vouchers, claims, and payrolls 1065  
and prepare financial reports and statements; 1066
- (8) Perform extensions, reviews, and compliance checks prior 1067  
to or after approving a payment as the director considers 1068  
necessary; 1069
- (9) Issue the official comprehensive annual financial report 1070  
of the state. The report shall cover all funds of the state 1071  
reporting entity and shall include basic financial statements and 1072  
required supplementary information prepared in accordance with 1073  
generally accepted accounting principles and other information as 1074

the director provides. All state agencies, authorities, 1075  
institutions, offices, retirement systems, and other component 1076  
units of the state reporting entity as determined by the director 1077  
shall furnish the director whatever financial statements and other 1078  
information the director requests for the report, in the form, at 1079  
the times, covering the periods, and with the attestation the 1080  
director prescribes. The information for state institutions of 1081  
higher education, as defined in section 3345.011 of the Revised 1082  
Code, shall be submitted to the chancellor by the Ohio board of 1083  
regents. The board shall establish a due date by which each such 1084  
institution shall submit the information to the board, but no such 1085  
date shall be later than one hundred twenty days after the end of 1086  
the state fiscal year unless a later date is approved by the 1087  
director. 1088

(B) In addition to the director's duties under division (A) 1089  
of this section, the director may establish and administer one or 1090  
more ~~state~~ payment card programs that permit ~~or require~~ state 1091  
agencies and political subdivisions to use a payment card to 1092  
purchase equipment, materials, supplies, or services in accordance 1093  
with guidelines issued by the director. The chief administrative 1094  
officer of a state agency or political subdivision that uses a 1095  
payment card for such purposes shall ensure that purchases made 1096  
with the card are made in accordance with the guidelines issued by 1097  
the director ~~and do not exceed the unexpended, unencumbered,~~ 1098  
~~unobligated balance in the appropriation to be charged for the~~ 1099  
~~purchase.~~ State agencies may participate in only those ~~state~~ 1100  
payment card programs that the director establishes pursuant to 1101  
this section. 1102

(C) In addition to the director's duties under divisions (A) 1103  
and (B) of this section, the director may enter into any contract 1104  
or agreement necessary for and incidental to the performance of 1105  
the director's duties or the duties of the office of budget and 1106

management. 1107

(D) In addition to the director's duties under divisions (A), 1108  
(B), and (C) of this section, the director may operate a shared 1109  
services center within the office of budget and management for the 1110  
purpose of consolidating common business functions and 1111  
transactional processes. The services offered by the shared 1112  
services center may be provided to any state agency or political 1113  
subdivision. In consultation with the director of administrative 1114  
services, the director may appoint and fix the compensation of 1115  
employees of the office ~~of budget and management~~ whose primary 1116  
duties include the consolidation of ~~statewide financing~~ common 1117  
business functions and ~~common~~ transactional processes. 1118

(E) The director may transfer cash between funds other than 1119  
the general revenue fund in order to correct an erroneous payment 1120  
or deposit regardless of the fiscal year during which the 1121  
erroneous payment or deposit occurred. 1122

(F) As used in divisions (B) and (D) of this section: 1123

(1) "Political subdivision" has the same meaning as in 1124  
section 2744.01 of the Revised Code. 1125

(2) "State agency" has the same meaning as in section 9.482 1126  
of the Revised Code. 1127

**Sec. 126.25.** The ~~accounting and budgeting~~ services provided 1128  
by the director of budget and management under section 126.21 of 1129  
the Revised Code shall be supported by ~~user~~ charges. The director 1130  
shall determine a rate that is sufficient to defray the expense of 1131  
those services and the manner by which those charges shall be 1132  
collected. All money collected from ~~user~~ the charges shall be 1133  
deposited in the state treasury to the credit of the accounting 1134  
and budgeting fund, which is hereby created. Rebates or revenue 1135  
shares received from any ~~state~~ payment card program established 1136

under division (B) of section 126.21 of the Revised Code and 1137  
miscellaneous payments that reimburse expenses paid from the 1138  
accounting and budgeting fund may be deposited into the accounting 1139  
and budgeting fund and used to support ~~accounting and budgeting~~ 1140  
the services provided by the director. 1141

Sec. 127.163. At the time a state agency submits a request to 1142  
the controlling board to approve the making of a purchase, if the 1143  
requested purchase is to be made from a supplier who is not 1144  
headquartered in this state but has a presence in this state, the 1145  
state agency shall include in the request the following 1146  
information: 1147

(A) The address or addresses of the supplier's places of 1148  
business in this state; 1149

(B) The total number of employees the supplier employs in 1150  
each of its places of business in this state; 1151

(C) The percentage of the requested purchase to be completed 1152  
by employees of the supplier located in this state; 1153

(D) A list of any suppliers, subcontractors, or other 1154  
entities the supplier intends to use to fulfill the requested 1155  
purchase that includes all of the following: 1156

(1) The address or addresses of the places of business in 1157  
this state of each potential supplier, subcontractor, or entity; 1158

(2) The number of employees that each potential supplier, 1159  
subcontractor, or entity employs in each of its places of business 1160  
in this state; 1161

(3) The percentage of the requested purchase to be completed 1162  
by employees of the potential supplier, subcontractor, or entity 1163  
located in this state. 1164

Sec. 127.164. (A) Prior to submitting a request to approve 1165

the making of a purchase to the controlling board, a state agency 1166  
shall contact any entity headquartered in this state that the 1167  
state agency approached related to the proposed purchase or to 1168  
whom the state agency sent a request for proposals but who did not 1169  
respond to the request for proposals and ascertain why the entity 1170  
did not respond. 1171

(B) At the time a state agency submits a request to the 1172  
controlling board to approve the making of a purchase, the state 1173  
agency shall submit to the board, as part of the request, the 1174  
information that the state agency collected under division (A) of 1175  
this section. 1176

**Sec. 131.35.** (A) With respect to the federal funds received 1177  
into any fund of the state from which transfers may be made under 1178  
division (D) of section 127.14 of the Revised Code: 1179

(1) No state agency may make expenditures of any federal 1180  
funds, whether such funds are advanced prior to expenditure or as 1181  
reimbursement, unless such expenditures are made pursuant to 1182  
specific appropriations of the general assembly, are authorized by 1183  
the controlling board pursuant to division (A)(5) of this section, 1184  
or are authorized by an executive order issued in accordance with 1185  
section 107.17 of the Revised Code, and until an allotment has 1186  
been approved by the director of budget and management. All 1187  
federal funds received by a state agency shall be reported to the 1188  
director within fifteen days of the receipt of such funds or the 1189  
notification of award, whichever occurs first. The director shall 1190  
prescribe the forms and procedures to be used when reporting the 1191  
receipt of federal funds. 1192

(2) If the federal funds received are greater than the amount 1193  
of such funds appropriated by the general assembly for a specific 1194  
purpose, the total appropriation of federal and state funds for 1195

such purpose shall remain at the amount designated by the general 1196  
assembly, except that the expenditure of federal funds received in 1197  
excess of such specific appropriation may be authorized by the 1198  
controlling board, subject to division (D) of this section. 1199

(3) To the extent that the expenditure of excess federal 1200  
funds is authorized, the controlling board may transfer a like 1201  
amount of general revenue fund appropriation authority from the 1202  
affected agency to the emergency purposes appropriation of the 1203  
controlling board, if such action is permitted under federal 1204  
regulations. 1205

(4) Additional funds may be created by the controlling board 1206  
to receive revenues not anticipated in an appropriations act for 1207  
the biennium in which such new revenues are received. ~~Expenditures~~ 1208  
Subject to division (D) of this section, expenditures from such 1209  
additional funds may be authorized by the controlling board, but 1210  
such authorization shall not extend beyond the end of the biennium 1211  
in which such funds are created. 1212

(5) Controlling board authorization for a state agency to 1213  
make an expenditure of federal funds constitutes authority for the 1214  
agency to participate in the federal program providing the funds, 1215  
and the agency is not required to obtain an executive order under 1216  
section 107.17 of the Revised Code to participate in the federal 1217  
program. 1218

(B) With respect to nonfederal funds received into the 1219  
waterways safety fund, the wildlife fund, and any fund of the 1220  
state from which transfers may be made under division (D) of 1221  
section 127.14 of the Revised Code: 1222

(1) No state agency may make expenditures of any such funds 1223  
unless the expenditures are made pursuant to specific 1224  
appropriations of the general assembly. 1225

(2) If the receipts received into any fund are greater than 1226



the amount appropriated, the appropriation for that fund shall 1227  
remain at the amount designated by the general assembly or, 1228  
subject to division (D) of this section, as increased and approved 1229  
by the controlling board. 1230

(3) Additional funds may be created by the controlling board 1231  
to receive revenues not anticipated in an appropriations act for 1232  
the biennium in which such new revenues are received. ~~Expenditures~~ 1233  
Subject to division (D) of this section, expenditures from such 1234  
additional funds may be authorized by the controlling board, but 1235  
such authorization shall not extend beyond the end of the biennium 1236  
in which such funds are created. 1237

(C) The controlling board shall not authorize more than ten 1238  
per cent of additional spending from the occupational licensing 1239  
and regulatory fund, created in section 4743.05 of the Revised 1240  
Code, in excess of any appropriation made by the general assembly 1241  
to a licensing agency except an appropriation for costs related to 1242  
the examination or reexamination of applicants for a license. As 1243  
used in this division, "licensing agency" and "license" have the 1244  
same meanings as in section 4745.01 of the Revised Code. 1245

(D) The amount of any expenditure or of an increase in an 1246  
appropriation authorized under division (A)(2) or (4) or (B)(2) or 1247  
(3) of this section for a specific or related purpose or item in 1248  
any fiscal year shall not exceed an amount greater than one per 1249  
cent of the general revenue fund appropriations for that fiscal 1250  
year. 1251

**Sec. 133.06.** (A) A school district shall not incur, without a 1252  
vote of the electors, net indebtedness that exceeds an amount 1253  
equal to one-tenth of one per cent of its tax valuation, except as 1254  
provided in divisions (G) and (H) of this section and in division 1255  
~~(C)~~(D) of section 3313.372 of the Revised Code, or as prescribed 1256  
in section 3318.052 or 3318.44 of the Revised Code, or as provided 1257

in division (J) of this section. 1258

(B) Except as provided in divisions (E), (F), and (I) of this 1259  
section, a school district shall not incur net indebtedness that 1260  
exceeds an amount equal to nine per cent of its tax valuation. 1261

(C) A school district shall not submit to a vote of the 1262  
electors the question of the issuance of securities in an amount 1263  
that will make the district's net indebtedness after the issuance 1264  
of the securities exceed an amount equal to four per cent of its 1265  
tax valuation, unless the superintendent of public instruction, 1266  
acting under policies adopted by the state board of education, and 1267  
the tax commissioner, acting under written policies of the 1268  
commissioner, consent to the submission. A request for the 1269  
consents shall be made at least one hundred twenty days prior to 1270  
the election at which the question is to be submitted. 1271

The superintendent of public instruction shall certify to the 1272  
district the superintendent's and the tax commissioner's decisions 1273  
within thirty days after receipt of the request for consents. 1274

If the electors do not approve the issuance of securities at 1275  
the election for which the superintendent of public instruction 1276  
and tax commissioner consented to the submission of the question, 1277  
the school district may submit the same question to the electors 1278  
on the date that the next special election may be held under 1279  
section 3501.01 of the Revised Code without submitting a new 1280  
request for consent. If the school district seeks to submit the 1281  
same question at any other subsequent election, the district shall 1282  
first submit a new request for consent in accordance with this 1283  
division. 1284

(D) In calculating the net indebtedness of a school district, 1285  
none of the following shall be considered: 1286

(1) Securities issued to acquire school buses and other 1287  
equipment used in transporting pupils or issued pursuant to 1288

division (D) of section 133.10 of the Revised Code;	1289
(2) Securities issued under division (F) of this section,	1290
under section 133.301 of the Revised Code, and, to the extent in	1291
excess of the limitation stated in division (B) of this section,	1292
under division (E) of this section;	1293
(3) Indebtedness resulting from the dissolution of a joint	1294
vocational school district under section 3311.217 of the Revised	1295
Code, evidenced by outstanding securities of that joint vocational	1296
school district;	1297
(4) Loans, evidenced by any securities, received under	1298
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	1299
(5) Debt incurred under section 3313.374 of the Revised Code;	1300
(6) Debt incurred pursuant to division (B)(5) of section	1301
3313.37 of the Revised Code to acquire computers and related	1302
hardware;	1303
(7) Debt incurred under section 3318.042 of the Revised Code.	1304
(E) A school district may become a special needs district as	1305
to certain securities as provided in division (E) of this section.	1306
(1) A board of education, by resolution, may declare its	1307
school district to be a special needs district by determining both	1308
of the following:	1309
(a) The student population is not being adequately serviced	1310
by the existing permanent improvements of the district.	1311
(b) The district cannot obtain sufficient funds by the	1312
issuance of securities within the limitation of division (B) of	1313
this section to provide additional or improved needed permanent	1314
improvements in time to meet the needs.	1315
(2) The board of education shall certify a copy of that	1316
resolution to the superintendent of public instruction with a	1317
statistical report showing all of the following:	1318

(a) The history of and a projection of the growth of the tax valuation;	1319 1320
(b) The projected needs;	1321
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	1322 1323
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	1324 1325 1326
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	1327 1328 1329
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.	1330 1331 1332 1333 1334 1335 1336 1337
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	1338 1339 1340 1341
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	1342 1343 1344 1345 1346 1347
(b) Twelve per cent of the sum of its tax valuation plus an	1348

amount that is the product of multiplying that tax valuation by 1349  
the percentage, determined by the superintendent of public 1350  
instruction, by which that tax valuation is projected to increase 1351  
during the next ten years. 1352

(F) A school district may issue securities for emergency 1353  
purposes, in a principal amount that does not exceed an amount 1354  
equal to three per cent of its tax valuation, as provided in this 1355  
division. 1356

(1) A board of education, by resolution, may declare an 1357  
emergency if it determines both of the following: 1358

(a) School buildings or other necessary school facilities in 1359  
the district have been wholly or partially destroyed, or condemned 1360  
by a constituted public authority, or that such buildings or 1361  
facilities are partially constructed, or so constructed or planned 1362  
as to require additions and improvements to them before the 1363  
buildings or facilities are usable for their intended purpose, or 1364  
that corrections to permanent improvements are necessary to remove 1365  
or prevent health or safety hazards. 1366

(b) Existing fiscal and net indebtedness limitations make 1367  
adequate replacement, additions, or improvements impossible. 1368

(2) Upon the declaration of an emergency, the board of 1369  
education may, by resolution, submit to the electors of the 1370  
district pursuant to section 133.18 of the Revised Code the 1371  
question of issuing securities for the purpose of paying the cost, 1372  
in excess of any insurance or condemnation proceeds received by 1373  
the district, of permanent improvements to respond to the 1374  
emergency need. 1375

(3) The procedures for the election shall be as provided in 1376  
section 133.18 of the Revised Code, except that: 1377

(a) The form of the ballot shall describe the emergency 1378  
existing, refer to this division as the authority under which the 1379

emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days prior to the election;

(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G)(1) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, forgone residual value of materials or equipment replaced by the energy conservation measure, as defined by the Ohio school

facilities commission, a baseline analysis of actual energy 1411  
consumption data for the preceding three years with the utility 1412  
baseline based on only the actual energy consumption data for the 1413  
preceding twelve months, and estimates of the amounts by which 1414  
energy consumption and resultant operational and maintenance 1415  
costs, as defined by the commission, would be reduced. 1416

If the board finds after receiving the report that the amount 1417  
of money the district would spend on such installations, 1418  
modifications, or remodeling is not likely to exceed the amount of 1419  
money it would save in energy and resultant operational and 1420  
maintenance costs over the ensuing fifteen years, the board may 1421  
submit to the commission a copy of its findings and a request for 1422  
approval to incur indebtedness to finance the making or 1423  
modification of installations or the remodeling of buildings for 1424  
the purpose of significantly reducing energy consumption. 1425

The school facilities commission, in consultation with the 1426  
auditor of state, may deny a request under this division by the 1427  
board of education any school district is in a state of fiscal 1428  
watch pursuant to division (A) of section 3316.03 of the Revised 1429  
Code, if it determines that the expenditure of funds is not in the 1430  
best interest of the school district. 1431

No district board of education of a school district that is 1432  
in a state of fiscal emergency pursuant to division (B) of section 1433  
3316.03 of the Revised Code shall submit a request without 1434  
submitting evidence that the installations, modifications, or 1435  
remodeling have been approved by the district's financial planning 1436  
and supervision commission established under section 3316.05 of 1437  
the Revised Code. 1438

No board of education of a school district that, for three or 1439  
more consecutive years, has been declared to be in a state of 1440  
academic emergency under section 3302.03 of the Revised Code, as 1441  
that section existed prior to March 22, 2013, and has failed to 1442

meet adequate yearly progress, or has met any condition set forth 1443  
in division (A)(2), (3), or (4) of section 3302.10 of the Revised 1444  
Code shall submit a request without first receiving approval to 1445  
incur indebtedness from the district's academic distress 1446  
commission established under that section, for so long as such 1447  
commission continues to be required for the district. 1448

(2) The school facilities commission shall approve the 1449  
board's request provided that the following conditions are 1450  
satisfied: 1451

(a) The commission determines that the board's findings are 1452  
reasonable. 1453

(b) The request for approval is complete. 1454

(c) The installations, modifications, or remodeling are 1455  
consistent with any project to construct or acquire classroom 1456  
facilities, or to reconstruct or make additions to existing 1457  
classroom facilities under sections 3318.01 to 3318.20 or sections 1458  
3318.40 to 3318.45 of the Revised Code. 1459

Upon receipt of the commission's approval, the district may 1460  
issue securities without a vote of the electors in a principal 1461  
amount not to exceed nine-tenths of one per cent of its tax 1462  
valuation for the purpose of making such installations, 1463  
modifications, or remodeling, but the total net indebtedness of 1464  
the district without a vote of the electors incurred under this 1465  
and all other sections of the Revised Code, except section 1466  
3318.052 of the Revised Code, shall not exceed one per cent of the 1467  
district's tax valuation. 1468

(3) So long as any securities issued under this division 1469  
remain outstanding, the board of education shall monitor the 1470  
energy consumption and resultant operational and maintenance costs 1471  
of buildings in which installations or modifications have been 1472  
made or remodeling has been done pursuant to this division and 1473



shall maintain and annually update a report documenting the 1474  
reductions in energy consumption and resultant operational and 1475  
maintenance cost savings attributable to such installations, 1476  
modifications, or remodeling. The report shall be certified by an 1477  
architect or engineer independent of any person that provided 1478  
goods or services to the board in connection with the energy 1479  
conservation measures that are the subject of the report. The 1480  
resultant operational and maintenance cost savings shall be 1481  
certified by the school district treasurer. The report shall be 1482  
submitted annually to the commission. 1483

(H) With the consent of the superintendent of public 1484  
instruction, a school district may incur without a vote of the 1485  
electors net indebtedness that exceeds the amounts stated in 1486  
divisions (A) and (G) of this section for the purpose of paying 1487  
costs of permanent improvements, if and to the extent that both of 1488  
the following conditions are satisfied: 1489

(1) The fiscal officer of the school district estimates that 1490  
receipts of the school district from payments made under or 1491  
pursuant to agreements entered into pursuant to section 725.02, 1492  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 1493  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 1494  
Code, or distributions under division (C) of section 5709.43 of 1495  
the Revised Code, or any combination thereof, are, after 1496  
accounting for any appropriate coverage requirements, sufficient 1497  
in time and amount, and are committed by the proceedings, to pay 1498  
the debt charges on the securities issued to evidence that 1499  
indebtedness and payable from those receipts, and the taxing 1500  
authority of the district confirms the fiscal officer's estimate, 1501  
which confirmation is approved by the superintendent of public 1502  
instruction; 1503

(2) The fiscal officer of the school district certifies, and 1504  
the taxing authority of the district confirms, that the district, 1505

at the time of the certification and confirmation, reasonably 1506  
expects to have sufficient revenue available for the purpose of 1507  
operating such permanent improvements for their intended purpose 1508  
upon acquisition or completion thereof, and the superintendent of 1509  
public instruction approves the taxing authority's confirmation. 1510

The maximum maturity of securities issued under division (H) 1511  
of this section shall be the lesser of twenty years or the maximum 1512  
maturity calculated under section 133.20 of the Revised Code. 1513

(I) A school district may incur net indebtedness by the 1514  
issuance of securities in accordance with the provisions of this 1515  
chapter in excess of the limit specified in division (B) or (C) of 1516  
this section when necessary to raise the school district portion 1517  
of the basic project cost and any additional funds necessary to 1518  
participate in a project under Chapter 3318. of the Revised Code, 1519  
including the cost of items designated by the Ohio school 1520  
facilities commission as required locally funded initiatives, the 1521  
cost of other locally funded initiatives in an amount that does 1522  
not exceed fifty per cent of the district's portion of the basic 1523  
project cost, and the cost for site acquisition. The school 1524  
facilities commission shall notify the superintendent of public 1525  
instruction whenever a school district will exceed either limit 1526  
pursuant to this division. 1527

(J) A school district whose portion of the basic project cost 1528  
of its classroom facilities project under sections 3318.01 to 1529  
3318.20 of the Revised Code is greater than or equal to one 1530  
hundred million dollars may incur without a vote of the electors 1531  
net indebtedness in an amount up to two per cent of its tax 1532  
valuation through the issuance of general obligation securities in 1533  
order to generate all or part of the amount of its portion of the 1534  
basic project cost if the controlling board has approved the 1535  
school facilities commission's conditional approval of the project 1536  
under section 3318.04 of the Revised Code. The school district 1537

board and the Ohio school facilities commission shall include the 1538  
dedication of the proceeds of such securities in the agreement 1539  
entered into under section 3318.08 of the Revised Code. No state 1540  
moneys shall be released for a project to which this section 1541  
applies until the proceeds of any bonds issued under this section 1542  
that are dedicated for the payment of the school district portion 1543  
of the project are first deposited into the school district's 1544  
project construction fund. 1545

**Sec. 133.07.** (A) A county shall not incur, without a vote of 1546  
the electors, either of the following: 1547

(1) Net indebtedness for all purposes that exceeds an amount 1548  
equal to one per cent of its tax valuation; 1549

(2) Net indebtedness for the purpose of paying the county's 1550  
share of the cost of the construction, improvement, maintenance, 1551  
or repair of state highways that exceeds an amount equal to 1552  
one-half of one per cent of its tax valuation. 1553

(B) A county shall not incur total net indebtedness that 1554  
exceeds an amount equal to one of the following limitations that 1555  
applies to the county: 1556

(1) A county with a valuation not exceeding one hundred 1557  
million dollars, three per cent of that tax valuation; 1558

(2) A county with a tax valuation exceeding one hundred 1559  
million dollars but not exceeding three hundred million dollars, 1560  
three million dollars plus one and one-half per cent of that tax 1561  
valuation in excess of one hundred million dollars; 1562

(3) A county with a tax valuation exceeding three hundred 1563  
million dollars, six million dollars plus two and one-half per 1564  
cent of that tax valuation in excess of three hundred million 1565  
dollars. 1566

(C) In calculating the net indebtedness of a county, none of 1567

the following securities shall be considered:	1568
(1) Securities described in section 307.201 of the Revised Code;	1569 1570
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	1571 1572 1573
(a) Water systems or facilities;	1574
(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	1575 1576 1577
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	1578 1579 1580
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	1581 1582 1583
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	1584 1585 1586
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	1587 1588
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	1589 1590
(h) Correctional and detention facilities and related rehabilitation facilities.	1591 1592
(3) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other	1593 1594 1595 1596 1597

subdivision to pay to the county amounts equivalent to debt 1598  
charges on the securities; 1599

(4) Voted general obligation securities issued for the 1600  
purpose of permanent improvements for sanitary sewerage or water 1601  
systems or facilities to the extent that the total principal 1602  
amount of voted securities outstanding for the purpose does not 1603  
exceed an amount equal to two per cent of the county's tax 1604  
valuation; 1605

(5) Securities issued for permanent improvements to house 1606  
agencies, departments, boards, or commissions of the county or of 1607  
any municipal corporation located, in whole or in part, in the 1608  
county, to the extent that the revenues, other than revenues from 1609  
unvoted county property taxes, derived from leases or other 1610  
agreements between the county and those agencies, departments, 1611  
boards, commissions, or municipal corporations relating to the use 1612  
of the permanent improvements are sufficient to cover the cost of 1613  
all operating expenses of the permanent improvements paid by the 1614  
county and debt charges on the securities; 1615

(6) Securities issued pursuant to section 133.08 of the 1616  
Revised Code; 1617

(7) Securities issued for the purpose of acquiring or 1618  
constructing roads, highways, bridges, or viaducts, for the 1619  
purpose of acquiring or making other highway permanent 1620  
improvements, or for the purpose of procuring and maintaining 1621  
computer systems for the office of the clerk of any 1622  
county-operated municipal court, for the office of the clerk of 1623  
the court of common pleas, or for the office of the clerk of the 1624  
probate, juvenile, or domestic relations division of the court of 1625  
common pleas to the extent that the legislation authorizing the 1626  
issuance of the securities includes a covenant to appropriate from 1627  
moneys distributed to the county pursuant to division (B) of 1628  
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 1629

Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 1630  
sufficient amount to cover debt charges on and financing costs 1631  
relating to the securities as they become due; 1632

(8) Securities issued for the purpose of acquiring, 1633  
constructing, improving, and equipping a county, multicounty, or 1634  
multicounty-municipal jail, workhouse, juvenile detention 1635  
facility, or correctional facility; 1636

(9) Securities issued for the acquisition, construction, 1637  
equipping, or repair of any permanent improvement or any class or 1638  
group of permanent improvements enumerated in a resolution adopted 1639  
pursuant to division (D) of section 5739.026 of the Revised Code 1640  
to the extent that the legislation authorizing the issuance of the 1641  
securities includes a covenant to appropriate from moneys received 1642  
from the taxes authorized under section 5739.023 and division 1643  
(A)(5) of section 5739.026 of the Revised Code an amount 1644  
sufficient to pay debt charges on the securities and those moneys 1645  
shall be pledged for that purpose; 1646

(10) Securities issued for county or joint county solid waste 1647  
or hazardous waste collection, transfer, or disposal facilities, 1648  
or resource recovery and solid or hazardous waste recycling 1649  
facilities, or any combination of those facilities; 1650

(11) Securities issued for the acquisition, construction, and 1651  
equipping of a port authority educational and cultural facility 1652  
under section 307.671 of the Revised Code; 1653

(12) Securities issued for the acquisition, construction, 1654  
equipping, and improving of a municipal educational and cultural 1655  
facility under division (B)(1) of section 307.672 of the Revised 1656  
Code; 1657

(13) Securities issued for energy conservation measures under 1658  
section 307.041 of the Revised Code; 1659

(14) Securities issued for the acquisition, construction, 1660

equipping, improving, or repair of a sports facility, including 1661  
obligations issued to pay costs of a sports facility under section 1662  
307.673 of the Revised Code; 1663

(15) Securities issued under section 755.17 of the Revised 1664  
Code if the legislation authorizing issuance of the securities 1665  
includes a covenant to appropriate from revenue received from a 1666  
tax authorized under division (A)(5) of section 5739.026 and 1667  
section 5741.023 of the Revised Code an amount sufficient to pay 1668  
debt charges on the securities, and the board of county 1669  
commissioners pledges that revenue for that purpose, pursuant to 1670  
section 755.171 of the Revised Code; 1671

(16) Sales tax supported bonds issued pursuant to section 1672  
133.081 of the Revised Code for the purpose of acquiring, 1673  
constructing, improving, or equipping any permanent improvement to 1674  
the extent that the legislation authorizing the issuance of the 1675  
sales tax supported bonds pledges county sales taxes to the 1676  
payment of debt charges on the sales tax supported bonds and 1677  
contains a covenant to appropriate from county sales taxes a 1678  
sufficient amount to cover debt charges or the financing costs 1679  
related to the sales tax supported bonds as they become due; 1680

(17) Bonds or notes issued under section 133.60 of the 1681  
Revised Code if the legislation authorizing issuance of the bonds 1682  
or notes includes a covenant to appropriate from revenue received 1683  
from a tax authorized under division (A)(9) of section 5739.026 1684  
and section 5741.023 of the Revised Code an amount sufficient to 1685  
pay the debt charges on the bonds or notes, and the board of 1686  
county commissioners pledges that revenue for that purpose; 1687

(18) Securities issued under section 3707.55 of the Revised 1688  
Code for the acquisition of real property by a general health 1689  
district; 1690

(19) Securities issued under division (A)(3) of section 1691

3313.37 of the Revised Code for the acquisition of real and 1692  
personal property by an educational service center; 1693

(20) Securities issued for the purpose of paying the costs of 1694  
acquiring, constructing, reconstructing, renovating, 1695  
rehabilitating, expanding, adding to, equipping, furnishing, or 1696  
otherwise improving an arena, convention center, or a combination 1697  
of an arena and convention center under section 307.695 of the 1698  
Revised Code; 1699

(21) Securities issued for the purpose of paying project 1700  
costs under section 307.678 of the Revised Code. 1701

(D) In calculating the net indebtedness of a county, no 1702  
obligation incurred under division (F) of section 339.06 of the 1703  
Revised Code shall be considered. 1704

**Sec. 135.143.** (A) The treasurer of state may invest or 1705  
execute transactions for any part or all of the interim funds of 1706  
the state in the following classifications of obligations: 1707

(1) United States treasury bills, notes, bonds, or any other 1708  
obligations or securities issued by the United States treasury or 1709  
any other obligation guaranteed as to principal and interest by 1710  
the United States; 1711

(2) Bonds, notes, debentures, or any other obligations or 1712  
securities issued by any federal government agency or 1713  
instrumentality; 1714

(3) Bonds and other direct obligations of the state of Ohio 1715  
issued by the treasurer of state and of the Ohio public facilities 1716  
commission, the Ohio building authority, and the Ohio housing 1717  
finance agency; 1718

(4)(a) Written repurchase agreements with any eligible Ohio 1719  
financial institution that is a member of the federal reserve 1720  
system or federal home loan bank or any recognized United States 1721



government securities dealer, under the terms of which agreement 1722  
the treasurer of state purchases and the eligible financial 1723  
institution or dealer agrees unconditionally to repurchase any of 1724  
the securities that are listed in division (A)(1), (2), or (6) of 1725  
this section and that will mature or are redeemable within ten 1726  
years from the date of purchase. The market value of securities 1727  
subject to these transactions must exceed the principal value of 1728  
the repurchase agreement by an amount specified by the treasurer 1729  
of state, and the securities must be delivered into the custody of 1730  
the treasurer of state or the qualified trustee or agent 1731  
designated by the treasurer of state. The agreement shall contain 1732  
the requirement that for each transaction pursuant to the 1733  
agreement, the participating institution or dealer shall provide 1734  
all of the following information: 1735

(i) The par value of the securities; 1736

(ii) The type, rate, and maturity date of the securities; 1737

(iii) A numerical identifier generally accepted in the 1738  
securities industry that designates the securities. 1739

(b) The treasurer of state also may sell any securities, 1740  
listed in division (A)(1), (2), or (6) of this section, regardless 1741  
of maturity or time of redemption of the securities, under the 1742  
same terms and conditions for repurchase, provided that the 1743  
securities have been fully paid for and are owned by the treasurer 1744  
of state at the time of the sale. 1745

(5) Securities lending agreements with any eligible financial 1746  
institution that is a member of the federal reserve system or 1747  
federal home loan bank or any recognized United States government 1748  
securities dealer, under the terms of which agreements the 1749  
treasurer of state lends securities and the eligible financial 1750  
institution or dealer agrees to simultaneously exchange similar 1751  
securities or cash, equal value for equal value. 1752

Securities and cash received as collateral for a securities 1753  
lending agreement are not interim funds of the state. The 1754  
investment of cash collateral received pursuant to a securities 1755  
lending agreement may be invested only in such instruments 1756  
specified by the treasurer of state in accordance with a written 1757  
investment policy. 1758

(6) Various forms of commercial paper issued by any 1759  
corporation that is incorporated under the laws of the United 1760  
States or a state, which notes are rated at the time of purchase 1761  
in the two highest categories by two nationally recognized rating 1762  
agencies, provided that the total amount invested under this 1763  
section in any commercial paper at any time shall not exceed 1764  
twenty-five per cent of the state's total average portfolio, as 1765  
determined and calculated by the treasurer of state; 1766

(7) Bankers acceptances, maturing in two hundred seventy days 1767  
or less, which are eligible for purchase by the federal reserve 1768  
system, provided that the total amount invested in bankers 1769  
acceptances at any time shall not exceed ten per cent of the 1770  
state's total average portfolio, as determined and calculated by 1771  
the treasurer of state; 1772

(8) Certificates of deposit in eligible institutions applying 1773  
for interim moneys as provided in section 135.08 of the Revised 1774  
Code, including linked deposits as provided in sections 135.61 to 1775  
135.67 of the Revised Code, agricultural linked deposits as 1776  
provided in sections 135.71 to 135.76 of the Revised Code, and 1777  
housing linked deposits as provided in sections 135.81 to 135.87 1778  
of the Revised Code; 1779

(9) The state treasurer's investment pool authorized under 1780  
section 135.45 of the Revised Code; 1781

(10) Debt interests, other than commercial paper described in 1782  
division (A)(6) of this section, rated at the time of purchase in 1783

the three highest categories by two nationally recognized rating agencies and issued by corporations that are incorporated under the laws of the United States or a state, or issued by foreign nations diplomatically recognized by the United States government, or any instrument based on, derived from, or related to such interests, provided that:

(a) The investments in debt interests shall not exceed in the aggregate twenty-five per cent of the state's portfolio;

(b) The investments in debt interests issued by foreign nations shall not exceed in the aggregate one per cent of the state's portfolio;

(c) The investments in the debt interests of a single issuer shall not exceed in the aggregate one-half of one per cent of the state's portfolio, except that debt interests of a single issuer that is a foreign nation shall not exceed in the aggregate one per cent of the state's portfolio.

The treasurer of state shall invest under division (A)(10) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, and provided that all interest and principal shall be denominated and payable in United States funds.

For purposes of division (A)(10) of this section, a debt interest is rated in the three highest categories by two nationally recognized rating agencies if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, at the time of purchase in the three highest categories by two nationally recognized rating agencies.

For purposes of division (A)(10) of this section, the "state's portfolio" means the state's total average portfolio, as determined and calculated by the treasurer of state.

(11) No-load money market mutual funds consisting exclusively

of obligations described in division (A)(1), (2), or (6) of this 1815  
section and repurchase agreements secured by such obligations. 1816

(12) Obligations of a political subdivision issued under 1817  
Chapter 133. of the Revised Code and identified in an agreement 1818  
described in division (G) of this section. 1819

(B) Whenever, during a period of designation, the treasurer 1820  
of state classifies public moneys as interim moneys, the treasurer 1821  
of state shall notify the state board of deposit of such action. 1822  
The notification shall be given within thirty days after such 1823  
classification and, in the event the state board of deposit does 1824  
not concur in such classification or in the investments or 1825  
deposits made under this section, the board may order the 1826  
treasurer of state to sell or liquidate any of the investments or 1827  
deposits, and any such order shall specifically describe the 1828  
investments or deposits and fix the date upon which they are to be 1829  
sold or liquidated. Investments or deposits so ordered to be sold 1830  
or liquidated shall be sold or liquidated for cash by the 1831  
treasurer of state on the date fixed in such order at the then 1832  
current market price. Neither the treasurer of state nor the 1833  
members of the state board of deposit shall be held accountable 1834  
for any loss occasioned by sales or liquidations of investments or 1835  
deposits at prices lower than their cost. Any loss or expense 1836  
incurred in making these sales or liquidations is payable as other 1837  
expenses of the treasurer's office. 1838

(C) If any securities or obligations invested in by the 1839  
treasurer of state pursuant to this section are registrable either 1840  
as to principal or interest, or both, such securities or 1841  
obligations shall be registered in the name of the treasurer of 1842  
state. 1843

(D) The treasurer of state is responsible for the safekeeping 1844  
of all securities or obligations under this section. Any such 1845  
securities or obligations may be deposited for safekeeping as 1846

provided in section 113.05 of the Revised Code. 1847

(E) Interest earned on any investments or deposits authorized 1848  
by this section shall be collected by the treasurer of state and 1849  
credited by the treasurer of state to the proper fund of the 1850  
state. 1851

(F) Whenever investments or deposits acquired under this 1852  
section mature and become due and payable, the treasurer of state 1853  
shall present them for payment according to their tenor, and shall 1854  
collect the moneys payable thereon. The moneys so collected shall 1855  
be treated as public moneys subject to sections 135.01 to 135.21 1856  
of the Revised Code. 1857

(G) The treasurer of state and any political subdivision 1858  
issuing obligations referred to in division (A)(12) of this 1859  
section, which obligations mature within one year from the 1860  
original date of issuance, may enter into an agreement providing 1861  
for: 1862

(1) The purchase of those obligations by the treasurer of 1863  
state on terms and subject to conditions set forth in the 1864  
agreement; 1865

(2) The payment by the political subdivision to the treasurer 1866  
of state of a reasonable fee as consideration for the agreement of 1867  
the treasurer of state to purchase those obligations; provided, 1868  
however, that the treasurer of state shall not be authorized to 1869  
enter into any such agreement with a board of education of a 1870  
school district that has an outstanding obligation with respect to 1871  
a loan received under authority of section 3313.483 of the Revised 1872  
Code. 1873

(H) For purposes of division (G) of this section, a fee shall 1874  
not be considered reasonable unless it is set to recover only the 1875  
direct costs, a reasonable estimate of the indirect costs 1876  
associated with the purchasing of obligations of a political 1877

subdivision under division (G) of this section and any reselling 1878  
of the obligations or any interest in the obligations, including 1879  
interests in a fund comprised of the obligations, and the 1880  
administration thereof. No money from the general revenue fund 1881  
shall be used to subsidize the purchase or resale of these 1882  
obligations. 1883

(I) All money collected by the treasurer of state from the 1884  
fee imposed by division (G) of this section shall be deposited to 1885  
the credit of the state political subdivision obligations fund, 1886  
which is hereby created in the state treasury. Money credited to 1887  
the fund shall be used solely to pay the treasurer of state's 1888  
direct and indirect costs associated with purchasing and reselling 1889  
obligations of a political subdivision under division (G) of this 1890  
section. 1891

(J) In addition to the classifications of obligations set 1892  
forth in divisions (A)(1) to (12) of this section, the treasurer 1893  
of state may purchase obligations that are issued by a political 1894  
subdivision relating to an eligible federal-military project 1895  
approved by the federal-military jobs commission pursuant to 1896  
Chapter 193. of the Revised Code and identified in an agreement 1897  
described in division (J) of this section. A political subdivision 1898  
and the treasurer of state may enter into an agreement that 1899  
provides for the purchase of obligations under this section by the 1900  
treasurer of state under the terms and conditions set forth in the 1901  
agreement. Pursuant to the terms and conditions of the agreement, 1902  
the political subdivision may provide for the payment of a 1903  
reasonable fee to the treasurer of state as consideration for the 1904  
treasurer of state purchasing the obligations, which shall be 1905  
deposited into the state political subdivision obligations fund. 1906  
The principal amount of obligations subject to agreements 1907  
described in this division shall not exceed two hundred million 1908  
dollars at any one time. No money from the general revenue fund 1909

shall be used to subsidize the purchase or resale of these 1910  
obligations. 1911

(K) As used in this section, "political subdivision" means 1912  
any political subdivision, taxing district, or other local or 1913  
regional public body, agency, or instrumentality authorized under 1914  
applicable law to issue bonds, notes, or other evidences of 1915  
indebtedness, except that, for the purposes of divisions (A)(12), 1916  
(G), (H), and (I) of this section, "political subdivision" means a 1917  
county, township, municipal corporation, or board of education of 1918  
a school district. 1919

**Sec. 149.311.** (A) As used in this section: 1920

(1) "Historic building" means a building, including its 1921  
structural components, that is located in this state and that is 1922  
either individually listed on the national register of historic 1923  
places under 16 U.S.C. 470a, located in a registered historic 1924  
district, and certified by the state historic preservation officer 1925  
as being of historic significance to the district, or is 1926  
individually listed as an historic landmark designated by a local 1927  
government certified under 16 U.S.C. 470a(c). 1928

(2) "Qualified rehabilitation expenditures" means 1929  
expenditures paid or incurred during the rehabilitation period, 1930  
and before and after that period as determined under 26 U.S.C. 47, 1931  
by an owner or qualified lessee of an historic building to 1932  
rehabilitate the building. "Qualified rehabilitation expenditures" 1933  
includes architectural or engineering fees paid or incurred in 1934  
connection with the rehabilitation, and expenses incurred in the 1935  
preparation of nomination forms for listing on the national 1936  
register of historic places. "Qualified rehabilitation 1937  
expenditures" does not include any of the following: 1938

(a) The cost of acquiring, expanding, or enlarging an 1939  
historic building; 1940

(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;	1941 1942 1943
(c) New building construction costs.	1944
(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.	1945 1946 1947 1948
(4) "Qualified lessee" means a person subject to a lease agreement for an historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code.	1949 1950 1951 1952 1953
(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section.	1954 1955 1956
(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.	1957 1958 1959 1960 1961
(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.	1962 1963 1964 1965 1966
(8) "Rehabilitation period" means one of the following:	1967
(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed twenty-four months during which	1968 1969 1970



rehabilitation occurs; 1971

(b) If the rehabilitation initially was planned to be 1972  
completed in stages, a period chosen by the owner or qualified 1973  
lessee not to exceed sixty months during which rehabilitation 1974  
occurs. Each stage shall be reviewed as a phase of a 1975  
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 1976  
successor to that section. 1977

(9) "State historic preservation officer" or "officer" means 1978  
the state historic preservation officer appointed by the governor 1979  
under 16 U.S.C. 470a. 1980

(10) "Catalytic project" means the rehabilitation of an 1981  
historic building, the rehabilitation of which will foster 1982  
economic development within two thousand five hundred feet of the 1983  
historic building. 1984

(B) The owner or qualified lessee of an historic building may 1985  
apply to the director of development services for a rehabilitation 1986  
tax credit certificate for qualified rehabilitation expenditures 1987  
paid or incurred by such owner or qualified lessee after April 4, 1988  
2007, for rehabilitation of an historic building. If the owner of 1989  
an historic building enters a pass-through agreement with a 1990  
qualified lessee for the purposes of the federal rehabilitation 1991  
tax credit under 26 U.S.C. 47, the qualified rehabilitation 1992  
expenditures paid or incurred by the owner after April 4, 2007, 1993  
may be attributed to the qualified lessee. 1994

The form and manner of filing such applications shall be 1995  
prescribed by rule of the director. Each application shall state 1996  
the amount of qualified rehabilitation expenditures the applicant 1997  
estimates will be paid or incurred. The director may require 1998  
applicants to furnish documentation of such estimates. 1999

The director, after consultation with the tax commissioner 2000  
and in accordance with Chapter 119. of the Revised Code, shall 2001

adopt rules that establish all of the following:	2002
(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;	2003 2004
(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;	2005 2006 2007 2008 2009 2010
(3) Eligibility requirements for obtaining a certificate under this section;	2011 2012
(4) The form of rehabilitation tax credit certificates;	2013
(5) Reporting requirements and monitoring procedures;	2014
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	2015 2016 2017 2018 2019 2020
(7) Any other rules necessary to implement and administer this section.	2021 2022
(C) The director of development services shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	2023 2024 2025 2026
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	2027 2028 2029
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C.	2030 2031

470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to  
that section;

(3) That receiving a rehabilitation tax credit certificate  
under this section is a major factor in:

(a) The applicant's decision to rehabilitate the historic  
building; or

(b) To increase the level of investment in such  
rehabilitation.

An applicant shall demonstrate to the satisfaction of the  
state historic preservation officer and director of development  
services that the rehabilitation will satisfy the standards  
described in division (C)(2) of this section before the applicant  
begins the physical rehabilitation of the historic building.

(D)(1) If the director of development services determines  
that an application meets the criteria in divisions (C)(1), (2),  
and (3) of this section, the director shall conduct a cost-benefit  
analysis for the historic building that is the subject of the  
application to determine whether rehabilitation of the historic  
building will result in a net revenue gain in state and local  
taxes once the building is used. The director shall consider the  
results of the cost-benefit analysis in determining whether to  
approve the application. The director shall also consider the  
potential economic impact and the regional distributive balance of  
the credits throughout the state. The director may approve an  
application only after completion of the cost-benefit analysis.

(2) A rehabilitation tax credit certificate shall not be  
issued for an amount greater than the estimated amount furnished  
by the applicant on the application for such certificate and  
approved by the director. The director shall not approve more than  
a total of sixty million dollars of rehabilitation tax credits per  
fiscal year but the director may reallocate unused tax credits

from a prior fiscal year for new applicants and such reallocated 2063  
credits shall not apply toward the dollar limit of this division. 2064

(3) For rehabilitations with a rehabilitation period not 2065  
exceeding twenty-four months as provided in division (A)~~(7)~~(8)(a) 2066  
of this section, a rehabilitation tax credit certificate shall not 2067  
be issued before the rehabilitation of the historic building is 2068  
completed. 2069

(4) For rehabilitations with a rehabilitation period not 2070  
exceeding sixty months as provided in division (A)~~(7)~~(8)(b) of 2071  
this section, a rehabilitation tax credit certificate shall not be 2072  
issued before a stage of rehabilitation is completed. After all 2073  
stages of rehabilitation are completed, if the director cannot 2074  
determine that the criteria in division (C) of this section are 2075  
satisfied for all stages of rehabilitations, the director shall 2076  
certify this finding to the tax commissioner, and any 2077  
rehabilitation tax credits received by the applicant shall be 2078  
repaid by the applicant and may be collected by assessment as 2079  
unpaid tax by the commissioner. 2080

(5) The director of development services shall require the 2081  
applicant to provide a third-party cost certification by a 2082  
certified public accountant of the actual costs attributed to the 2083  
rehabilitation of the historic building when qualified 2084  
rehabilitation expenditures exceed two hundred thousand dollars. 2085

If an applicant whose application is approved for receipt of 2086  
a rehabilitation tax credit certificate fails to provide to the 2087  
director sufficient evidence of reviewable progress, including a 2088  
viable financial plan, copies of final construction drawings, and 2089  
evidence that the applicant has obtained all historic approvals 2090  
within twelve months after the date the applicant received 2091  
notification of approval, and if the applicant fails to provide 2092  
evidence to the director that the applicant has secured and closed 2093  
on financing for the rehabilitation within eighteen months after 2094

receiving notification of approval, the director may rescind the approval of the application. The director shall notify the applicant if the approval has been rescinded. Credits that would have been available to an applicant whose approval was rescinded shall be available for other qualified applicants. Nothing in this division prohibits an applicant whose approval has been rescinded from submitting a new application for a rehabilitation tax credit certificate.

(6) The director of development services may approve the application of, and issue a rehabilitation tax credit certificate to, the owner of a catalytic project, provided the application otherwise meets the criteria described in divisions (C) and (D) of this section. The director may not issue more than one rehabilitation tax credit certificate under division (D)(6) of this section during each state fiscal biennium. The director shall consider the following criteria in determining whether to issue a certificate under division (D)(6) of this section:

(a) Whether the historic building is a catalytic project;

(b) The effect issuance of the certificate would have on the availability of credits for other applicants that qualify for a credit certificate within the credit dollar limit described in division (D)(2) of this section;

(c) The number of jobs, if any, the catalytic project will create.

(7)(a) The owner or qualified lessee of a historic building may apply for a rehabilitation tax credit certificate under both divisions (B) and (D)(6) of this section. In such a case, the director of development services shall consider each application at the time the application is submitted.

(b) The director of development services shall not issue more than one certificate under this section with respect to the same

qualified rehabilitation expenditures. 2126

(E) Issuance of a certificate represents a finding by the 2127  
director of development services of the matters described in 2128  
divisions (C)(1), (2), and (3) of this section only; issuance of a 2129  
certificate does not represent a verification or certification by 2130  
the director of the amount of qualified rehabilitation 2131  
expenditures for which a tax credit may be claimed under section 2132  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 2133  
Revised Code. The amount of qualified rehabilitation expenditures 2134  
for which a tax credit may be claimed is subject to inspection and 2135  
examination by the tax commissioner or employees of the 2136  
commissioner under section 5703.19 of the Revised Code and any 2137  
other applicable law. Upon the issuance of a certificate, the 2138  
director shall certify to the tax commissioner, in the form and 2139  
manner requested by the tax commissioner, the name of the 2140  
applicant, the amount of qualified rehabilitation expenditures 2141  
shown on the certificate, and any other information required by 2142  
the rules adopted under this section. 2143

(F)(1) On or before the first day of April each year, the 2144  
director of development services and tax commissioner jointly 2145  
shall submit to the president of the senate and the speaker of the 2146  
house of representatives a report on the tax credit program 2147  
established under this section and sections 5725.151, 5725.34, 2148  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 2149  
report shall present an overview of the program and shall include 2150  
information on the number of rehabilitation tax credit 2151  
certificates issued under this section during the preceding fiscal 2152  
year, an update on the status of each historic building for which 2153  
an application was approved under this section, the dollar amount 2154  
of the tax credits granted under sections 5725.151, 5725.34, 2155  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 2156  
any other information the director and commissioner consider 2157

relevant to the topics addressed in the report. 2158

(2) On or before December 1, 2015, the director of 2159  
development services and tax commissioner jointly shall submit to 2160  
the president of the senate and the speaker of the house of 2161  
representatives a comprehensive report that includes the 2162  
information required by division (F)(1) of this section and a 2163  
detailed analysis of the effectiveness of issuing tax credits for 2164  
rehabilitating historic buildings. The report shall be prepared 2165  
with the assistance of an economic research organization jointly 2166  
chosen by the director and commissioner. 2167

(G) There is hereby created in the state treasury the 2168  
historic rehabilitation tax credit operating fund. The director of 2169  
development services is authorized to charge reasonable 2170  
application and other fees in connection with the administration 2171  
of tax credits authorized by this section and sections 5725.151, 2172  
5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 of the 2173  
Revised Code. Any such fees collected shall be credited to the 2174  
fund and used to pay reasonable costs incurred by the department 2175  
of development services in administering this section and sections 2176  
5725.151, 5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 2177  
of the Revised Code. 2178

The Ohio historic preservation office is authorized to charge 2179  
reasonable fees in connection with its review and approval of 2180  
applications under this section. Any such fees collected shall be 2181  
credited to the fund and used to pay administrative costs incurred 2182  
by the Ohio historic preservation office pursuant to this section. 2183

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 2184  
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 2185  
owner of a tax credit certificate issued under division (D)(6) of 2186  
this section may claim a tax credit equal to twenty-five per cent 2187  
of the dollar amount indicated on the certificate for a total 2188  
credit of not more than twenty-five million dollars. The credit 2189

claimed by such a certificate owner for any calendar year, tax 2190  
year, or taxable year under section 5725.151, 5725.34, 5726.52, 2191  
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 2192  
five million dollars. If the certificate owner is eligible for 2193  
more than five million dollars in total credits, the certificate 2194  
owner may carry forward the balance of the credit in excess of the 2195  
amount claimed for that year for not more than five ensuing 2196  
calendar years, tax years, or taxable years. If the credit claimed 2197  
in any calendar year, tax year, or taxable year exceeds the tax 2198  
otherwise due, the excess shall be refunded to the taxpayer. 2199

**Sec. 149.38.** (A) Except as otherwise provided in section 2200  
307.847 of the Revised Code, there is hereby created in each 2201  
county a county records commission, composed of a member of the 2202  
board of county commissioners as chairperson, the prosecuting 2203  
attorney, the auditor, the recorder, and the clerk of the court of 2204  
common pleas. The commission shall appoint a secretary, who may or 2205  
may not be a member of the commission and who shall serve at the 2206  
pleasure of the commission. The commission may employ an archivist 2207  
or records manager to serve under its direction. The commission 2208  
shall meet at least once every six months and upon the call of the 2209  
chairperson. 2210

(B)(1) The functions of the county records commission shall 2211  
be to provide rules for retention and disposal of records of the 2212  
county, and to review applications for one-time disposal of 2213  
obsolete records and schedules of records retention and 2214  
disposition submitted by county offices. The commission may 2215  
dispose of records pursuant to the procedure outlined in this 2216  
section. The commission, at any time, may review any schedule it 2217  
has previously approved and, for good cause shown, may revise that 2218  
schedule, subject to division (D) of this section. 2219

(2)(a) As used in division (B)(2) of this section, "paper 2220



case records" means written reports of child abuse or neglect, 2221  
written records of investigations, or other written records 2222  
required to be prepared under section 2151.421, 5101.13, 5153.166, 2223  
or 5153.17 of the Revised Code. 2224

(b) A county public children services agency may submit to 2225  
the county records commission applications for one-time disposal, 2226  
or schedules of records retention and disposition, of paper case 2227  
records that have been entered into permanently maintained and 2228  
retrievable fields in the state automated child welfare 2229  
information system established under section 5101.13 of the 2230  
Revised Code or entered into other permanently maintained and 2231  
retrievable electronic files. The county records commission may 2232  
dispose of the paper case records pursuant to the procedure 2233  
outlined in this section. 2234

(C)(1) When the county records commission has approved any 2235  
county application for one-time disposal of obsolete records or 2236  
any schedule of records retention and disposition, the commission 2237  
shall send that application or schedule to the Ohio historical 2238  
society for its review. The Ohio historical society shall review 2239  
the application or schedule within a period of not more than sixty 2240  
days after its receipt of it. During the sixty-day review period, 2241  
the Ohio historical society may select for its custody from the 2242  
application for one-time disposal of obsolete records any records 2243  
it considers to be of continuing historical value, and shall 2244  
denote upon any schedule of records retention and disposition any 2245  
records for which the Ohio historical society will require a 2246  
certificate of records disposal prior to their disposal. 2247

(2) Upon completion of its review, the Ohio historical 2248  
society shall forward the application for one-time disposal of 2249  
obsolete records or the schedule of records retention and 2250  
disposition to the auditor of state for the auditor's approval or 2251  
disapproval. The auditor of state shall approve or disapprove the 2252

application or schedule within a period of not more than sixty 2253  
days after receipt of it. 2254

(3) Before public records are to be disposed of pursuant to 2255  
an approved schedule of records retention and disposition, the 2256  
county records commission shall inform the Ohio historical society 2257  
of the disposal through the submission of a certificate of records 2258  
disposal for only the records required by the schedule to be 2259  
disposed of and shall give the society the opportunity for a 2260  
period of fifteen business days to select for its custody those 2261  
records, from the certificate submitted, that it considers to be 2262  
of continuing historical value. Upon the expiration of the 2263  
fifteen-business-day period, the county records commission also 2264  
shall notify the public libraries, county historical society, 2265  
state universities, and other public or quasi-public institutions, 2266  
agencies, or corporations in the county that have provided the 2267  
commission with their name and address for these notification 2268  
purposes, that the commission has informed the Ohio historical 2269  
society of the records disposal and that the notified entities, 2270  
upon written agreement with the Ohio historical society pursuant 2271  
to section 149.31 of the Revised Code, may select records of 2272  
continuing historical value, including records that may be 2273  
distributed to any of the notified entities under section 149.31 2274  
of the Revised Code. Any notified entity that notifies the county 2275  
records commission of its intent to review and select records of 2276  
continuing historical value from certificates of records disposal 2277  
is responsible for the cost of any notice given and for the 2278  
transportation of those records. 2279

(D) The rules of the county records commission shall include 2280  
a rule that requires any receipts, checks, vouchers, or other 2281  
similar records pertaining to expenditures from the delinquent tax 2282  
and assessment collection fund created in section 321.261 of the 2283  
Revised Code, from the real estate assessment fund created in 2284

section 325.31 of the Revised Code, or from amounts allocated for 2285  
the furtherance of justice to the county sheriff under section 2286  
325.071 of the Revised Code or to the prosecuting attorney under 2287  
section 325.12 of the Revised Code to be retained for at least 2288  
four years. 2289

(E) No person shall knowingly violate the rule adopted under 2290  
division (D) of this section. Whoever violates that rule is guilty 2291  
of a misdemeanor of the first degree. 2292

**Sec. 153.56.** (A) Any person to whom any money is due for 2293  
labor or work performed or materials furnished in a public 2294  
improvement as provided in section 153.54 of the Revised Code, at 2295  
any time after performing the labor or work or furnishing the 2296  
materials, but not later than ninety days after the completion of 2297  
the contract by the principal contractor or design-build firm and 2298  
the acceptance of the public improvement for which the bond was 2299  
provided by the duly authorized board or officer, shall furnish 2300  
the sureties on the bond, a statement of the amount due to the 2301  
person. 2302

(B) A suit shall not be brought against sureties on the bond 2303  
until after sixty days after the furnishing of the statement 2304  
described in division (A) of this section. If the indebtedness is 2305  
not paid in full at the expiration of that sixty days, and if the 2306  
person complies with division (C) of this section, the person may 2307  
bring an action in the person's own name upon the bond, as 2308  
provided in sections 2307.06 and 2307.07 of the Revised Code, that 2309  
action to be commenced, notwithstanding section 2305.12 of the 2310  
Revised Code, not later than one year from the date of acceptance 2311  
of the public improvement for which the bond was provided. 2312

(C) To exercise rights under this section, a subcontractor or 2313  
materials supplier supplying labor or materials that cost more 2314  
than thirty thousand dollars, who is not in direct privity of 2315

contract with the principal contractor or design-build firm for 2316  
the public improvement, shall serve a notice of furnishing upon 2317  
the principal contractor or design-build firm in the form provided 2318  
in section 1311.261 of the Revised Code. 2319

(D) A subcontractor or materials supplier who serves a notice 2320  
of furnishing under division (C) of this section as required to 2321  
exercise rights under this section has the right of recovery only 2322  
as to amounts owed for labor and work performed and materials 2323  
furnished during and after the twenty-one days immediately 2324  
preceding service of the notice of furnishing. 2325

(E) For purposes of this section: 2326

(1) "Design-build firm" has the same meaning as in section 2327  
153.65 of the Revised Code. 2328

(2) "Principal contractor" has the same meaning as in section 2329  
1311.25 of the Revised Code, and may include a "~~construction~~ 2330  
~~manager~~" and a "construction manager at risk" as defined in 2331  
section 9.33 of the Revised Code. 2332

**Sec. 156.03.** (A) If the executive director of the Ohio 2333  
facilities construction commission wishes to enter into an 2334  
installment payment contract pursuant to section 156.04 of the 2335  
Revised Code or any other contract to implement one or more energy 2336  
or water saving measures, the executive director may proceed under 2337  
Chapter 153. of the Revised Code, or, alternatively, the executive 2338  
director may request the controlling board to exempt the contract 2339  
from Chapter 153. of the Revised Code. 2340

A surety bond furnished pursuant to section 153.54 of the 2341  
Revised Code shall not secure obligations related to energy or 2342  
water savings as referenced in division (D) of this section. 2343

If the controlling board by a majority vote approves an 2344  
exemption, that chapter shall not apply to the contract and 2345

instead the executive director shall request proposals from at 2346  
least three parties for the implementation of the energy or water 2347  
saving measures. Prior to providing any interested party a copy of 2348  
any such request, the executive director shall advertise, in a 2349  
newspaper of general circulation in the county where the contract 2350  
is to be performed, and may advertise by electronic means pursuant 2351  
to rules adopted by the executive director, the executive 2352  
director's intent to request proposals for the implementation of 2353  
the energy or water saving measures. The notice shall invite 2354  
interested parties to submit proposals for consideration and shall 2355  
be published at least thirty days prior to the date for accepting 2356  
proposals. 2357

(B) Upon receiving the proposals, the executive director 2358  
shall analyze them and, after considering the cost estimates of 2359  
each proposal and the availability of funds to pay for each with 2360  
current appropriations or by financing the cost of each through an 2361  
installment payment contract under section 156.04 of the Revised 2362  
Code, may select one or more proposals or reject all proposals. In 2363  
selecting proposals, the executive director shall select the one 2364  
or more proposals most likely to result in the greatest energy, 2365  
water, or wastewater savings, operating costs savings, and avoided 2366  
capital costs created. 2367

(C) No contract shall be awarded to implement energy or water 2368  
saving measures under this section, unless the executive director 2369  
finds that both of the following circumstances exists: 2370

(1) Not less than one-fifteenth of the costs of the contract 2371  
shall be paid within two years from the date of purchase; 2372

(2) In the case of a contract for a cogeneration system 2373  
described in division (B)(8) of section 156.01 of the Revised 2374  
Code, the remaining balance of the cost of the contract shall be 2375  
paid within twenty years from the date of purchase, and, in the 2376  
case of all other contracts, fifteen years. 2377

(D) If the executive director determines that a surety bond is necessary to secure energy or water savings guaranteed in the contract, the energy services company shall provide a surety bond that satisfies all of the following requirements: 2378  
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(1) The penal sum of the surety bond for the first guarantee year shall equal the amount of savings included in the annual guaranteed savings amount that is measured and calculated in accordance with the measurement and verification plan included in the contract, but may not include savings that are not measured or that are stipulated in the contract. The annual guaranteed savings amount shall include only the savings guaranteed in the contract for the one-year term that begins on the first day of the first savings guarantee year and may not include amounts from subsequent years. 2382  
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(2) The surety bond shall have a term of not more than one year unless renewed. At the option of the executive director, the surety bond may be renewed for one or two additional terms, each term not to exceed one year. The surety bond may not be renewed or extended so that it is in effect for more than three consecutive years. 2392  
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In the event of a renewal, the penal sum of the surety bond for each renewed year shall be revised so that the penal sum equals the annual guaranteed savings amount for such renewal year that is measured and calculated in accordance with the measurement and verification plan included in the contract, but may not include savings that are not measured or that are stipulated in the contract. Regardless of the number of renewals of the bond, the aggregate liability under each renewed bond may not exceed the penal sum stated in the renewal certificate for the applicable renewal year. 2398  
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(3) The surety bond for the first year shall be issued within thirty days of the commencement of the first savings guarantee 2408  
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year under the contract. 2410

In the event of renewal, the surety shall deliver to the 2411  
executive director a renewal certificate reflecting the revised 2412  
penal sum within thirty days of the executive director's request. 2413  
The executive director shall deliver the request for renewal not 2414  
less than thirty days prior to the expiration date of the surety 2415  
bond then in existence. 2416

**Sec. 163.15.** (A) As soon as the agency pays to the party 2417  
entitled thereto or deposits with the court the amount of the 2418  
award and the costs assessed against the agency, it may take 2419  
possession; provided, that this shall not be construed to limit 2420  
the right of a public agency to enter and take possession, as 2421  
provided in section 163.06 of the Revised Code. When the agency is 2422  
entitled to possession the court shall enter an order to such 2423  
effect upon the record and, if necessary, process shall be issued 2424  
to place the agency in possession. Whenever a final journal entry 2425  
in an appropriation proceeding, granting to this state a fee title 2426  
or any lesser estate or interest in real property is filed and 2427  
journalized by the clerk of courts, the clerk of courts shall 2428  
forthwith transmit to the county auditor a certified copy of said 2429  
final journal entry who shall transfer the property on the 2430  
auditor's books and transmit said entry with proper endorsement to 2431  
the county recorder for recording. The costs of filing such final 2432  
journal entry with the county auditor and the county recorder 2433  
shall be taxed as costs in the appropriation proceedings the same 2434  
as other costs are taxed under section 163.16 of the Revised Code. 2435

(B)(1) Whenever the appropriation of real property requires 2436  
the owner, a commercial tenant, or a residential tenant identified 2437  
by the owner in a notice filed with the court to move or relocate, 2438  
the agency shall make a payment to that person, upon proper 2439  
application as approved by the agency, for all of the following: 2440

(a) Actual reasonable expenses in moving the person and the person's family, business, farm operation, or other personal property;	2441 2442 2443
(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the agency;	2444 2445 2446 2447 2448
(c) Actual reasonable expenses in searching for a replacement business or farm, but not to exceed two thousand five hundred dollars;	2449 2450 2451
(d) Actual and reasonable expenses necessary to reestablish a farm, nonprofit organization, or small business at its new site, but not to exceed <del>ten</del> <u>twenty-five</u> thousand dollars.	2452 2453 2454
(2) If the agency does not approve a payment for which the owner applied under division (B)(1) of this section, the trier of fact, upon presentation of proof, shall determine whether to award a payment for the expenses described in division (B)(1) of this section and the amount of any award. The owner shall have the burden of proof with respect to those expenses.	2455 2456 2457 2458 2459 2460
(3)(a) In addition to any payments an owner of a business may receive under division (B)(1) of this section, an owner of a business who is required by an appropriation of real property to relocate the business may recover damages for the owner's actual economic loss resulting from the appropriation, as proven by the owner by a preponderance of the evidence. Compensation for actual economic loss under this division shall not include any attorney's fees and shall not duplicate any amount awarded as compensation under this chapter.	2461 2462 2463 2464 2465 2466 2467 2468 2469
(b) The amount of compensation awarded under division (B)(3)(a) of this section shall not exceed twelve months net	2470 2471



profit of the business on an annualized basis. Except as otherwise 2472  
provided in division (B)(3)(c) of this section, if the agency is 2473  
appropriating property in time of war or other public exigency 2474  
imperatively requiring its immediate seizure, for the purpose of 2475  
making or repairing roads that shall be open to the public without 2476  
charge, for the purpose of implementing rail service under Chapter 2477  
4981. of the Revised Code, or under section 307.08, 504.19, 2478  
6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the 2479  
result of a public exigency, or the agency is a municipal 2480  
corporation that is appropriating property as a result of a public 2481  
exigency, the period for which the net profit of the business is 2482  
calculated shall be twelve months minus the time period from the 2483  
date the agency gives the notice required by section 163.04 of the 2484  
Revised Code to the date the agency deposits the value of the 2485  
property with the court pursuant to section 163.06 of the Revised 2486  
Code or pays that amount to the owner, but in no event shall the 2487  
compensation time period be less than fifteen days. If the period 2488  
on which the loss is calculated is reduced to fifteen days and the 2489  
relocation is unusually complex, the owner may request the agency 2490  
to increase that period by up to fifteen additional days. If the 2491  
agency fails to pay the compensation as provided under division 2492  
(B)(3)(a) of this section or denies the request, the owner may 2493  
seek an award of such compensation pursuant to this section. 2494

(c) In case of an act of God or other public exigency that 2495  
requires an immediate taking of property to protect public health 2496  
or safety or in case of a voluntary conveyance, the amount of 2497  
compensation awarded under division (B)(3)(a) of this section 2498  
shall not exceed fifteen days net profit of the business on an 2499  
annualized basis. The owner may request the agency to increase 2500  
that period by up to fifteen additional days. If the agency fails 2501  
to pay the compensation as provided under division (B)(3)(a) of 2502  
this section or denies the request, the owner may seek an award of 2503  
such compensation pursuant to this section. 2504

Sec. 163.53. (A) Whenever the acquisition of real property	2505
for a program or project undertaken by a displacing agency will	2506
result in the displacement of any person, the head of the agency	2507
shall make a payment to any displaced person, upon proper	2508
application as approved by such agency head, for all of the	2509
following:	2510
(1) Actual reasonable expenses in moving the person, the	2511
person's family, business, farm operation, or other personal	2512
property;	2513
(2) Actual direct losses of tangible personal property as a	2514
result of moving or discontinuing a business or farm operation,	2515
but not to exceed an amount equal to the reasonable expenses that	2516
would have been required to relocate such property, as determined	2517
by the head of the displacing agency;	2518
(3) Actual reasonable expenses in searching for a replacement	2519
business or farm, but not to exceed two thousand five hundred	2520
dollars;	2521
(4) Actual and reasonable expenses necessary to reestablish a	2522
displaced farm, nonprofit organization, or small business at its	2523
new site, but not to exceed <del>ten</del> <u>twenty-five</u> thousand dollars.	2524
(B) Any displaced person eligible for payments under division	2525
(A) of this section who is displaced from a dwelling and who	2526
elects to accept the payments authorized by this division in lieu	2527
of the payments authorized by division (A) of this section may	2528
receive an expense and dislocation allowance, determined according	2529
to a schedule established by the head of the displacing agency.	2530
(C) Any displaced person eligible for payments under division	2531
(A) of this section who is displaced from the person's place of	2532
business or from the person's farm operation may qualify for the	2533
payment authorized by this division in lieu of the payment	2534

authorized by division (A) of this section. The payment authorized 2535  
by this division shall consist of a fixed payment in an amount to 2536  
be determined according to criteria established by the head of the 2537  
lead agency, except that such payment shall be not less than one 2538  
thousand dollars nor more than ~~twenty~~ forty thousand dollars. A 2539  
person whose sole business at the displacement dwelling is the 2540  
rental of such property to others does not qualify for a payment 2541  
under this division. 2542

(D)(1) Except as provided in section 5501.51 of the Revised 2543  
Code, if a program or project undertaken by a displacing agency 2544  
results in the relocation of a utility facility, and the purpose 2545  
of the program or project was not to relocate or reconstruct any 2546  
utility facility; and if the owner of the utility facility which 2547  
is being relocated under such program or project has entered into 2548  
a franchise or similar agreement with the state or local 2549  
government on whose property, easement, or right-of-way such 2550  
facility is located with respect to the use of such property, 2551  
easement, or right-of-way; and if the relocation of such facility 2552  
results in such owner incurring an extraordinary cost in 2553  
connection with such relocation; then the displacing agency may, 2554  
in accordance with such rules as the head of the lead agency may 2555  
adopt, provide to such owner a relocation payment which may not 2556  
exceed the amount of such extraordinary cost, less any increase in 2557  
the value of the new utility facility above the value of the old 2558  
utility facility, and less any salvage value derived from the old 2559  
utility facility. 2560

(2) As used in division (D) of this section: 2561

(a) "Extraordinary cost in connection with a relocation" 2562  
means any cost incurred by the owner of a utility facility in 2563  
connection with relocation of such facility that is determined by 2564  
the head of the displacing agency, under such rules as the head of 2565  
the lead agency shall adopt, to be a nonroutine relocation 2566

expense, to be a cost that owner ordinarily does not include in 2567  
its annual budget as an expense of operation, and to meet such 2568  
other requirements as the lead agency may prescribe in such rules. 2569

(b) "Utility facility" means any electric, gas, water, steam 2570  
power, or materials transmission or distribution system; any 2571  
transportation system; any communications system, including cable 2572  
television; and any fixture, equipment, or other property 2573  
associated with the operation, maintenance, or repair of any such 2574  
system; which is located on property owned by a state or local 2575  
government or over which a state or local government has an 2576  
easement or right-of-way. A utility facility may be publicly, 2577  
privately, or cooperatively owned. 2578

**Sec. 163.54.** (A) In addition to payments otherwise authorized 2579  
by sections 163.51 to 163.62 of the Revised Code, the head of the 2580  
displacing agency shall make an additional payment not to exceed 2581  
~~twenty-two~~ thirty-one thousand ~~five hundred~~ dollars to any 2582  
displaced person who is displaced from a dwelling actually owned 2583  
and occupied by ~~him~~ the displaced person for not less than ~~one~~ 2584  
~~hundred-eighty~~ ninety days prior to the initiation of negotiations 2585  
for the acquisition of the property. Such additional payment shall 2586  
include the following elements: 2587

(1) The amount, if any, which when added to the acquisition 2588  
cost of the dwelling acquired by the displacing agency, equals the 2589  
reasonable cost of a comparable replacement dwelling. 2590

(2) The amount, if any, which will compensate the displaced 2591  
person for any increased interest costs and other debt service 2592  
costs which the person is required to pay for financing the 2593  
acquisition of a comparable replacement dwelling. This amount 2594  
shall be paid only if the dwelling acquired by the displacing 2595  
agency was encumbered by a bona fide mortgage which was a valid 2596  
lien on the dwelling for not less than ~~one hundred-eighty~~ ninety 2597

days prior to the initiation of negotiations for the acquisition 2598  
of the dwelling. 2599

(3) Reasonable expenses incurred by the displaced person for 2600  
evidence of title, recording fees, and other closing costs 2601  
incident to the purchase of the replacement dwelling, but not 2602  
including prepaid expenses. 2603

(4) A rental assistance payment for a displaced person who is 2604  
eligible for a replacement housing payment under this section but 2605  
who elects to rent a replacement dwelling. The amount of the 2606  
rental assistance payment shall be based on a determination of 2607  
market rent for the acquired dwelling compared to a comparable 2608  
rental dwelling available on the market in the general area of the 2609  
acquired dwelling. The difference, if any, shall be computed in 2610  
accordance with division (A) of section 163.55 of the Revised 2611  
Code, except the limit of seven thousand two hundred dollars shall 2612  
not apply. Under no circumstances shall the rental assistance 2613  
payment exceed the amount that the displaced person could have 2614  
received under division (A)(1) of this section. A displaced person 2615  
who is eligible to receive a replacement housing payment under 2616  
this section is not eligible for a down payment assistance payment 2617  
described in division (B) of section 163.55 of the Revised Code. 2618

(B) The additional payment authorized by this section shall 2619  
be made only to a displaced person who purchases and occupies a 2620  
replacement dwelling which is decent, safe, and sanitary not later 2621  
than the end of the one-year period beginning on the date on which 2622  
~~he~~ the displaced person receives from the displacing agency final 2623  
payment of all costs of the acquired dwelling, or on the date on 2624  
which the displacing agency's obligation under division (B)(3) of 2625  
section 163.56 of the Revised Code is met, whichever is later, 2626  
except that the displacing agency may extend the period for good 2627  
cause. If the period is extended, the payment under this section 2628  
shall be based on the costs of relocating the person to a 2629

comparable replacement dwelling within one year after the 2630  
displaced person receives from the displacing agency final payment 2631  
of all costs of the acquired dwelling. 2632

**Sec. 163.55.** (A) In addition to amounts otherwise authorized 2633  
by sections 163.51 to 163.62 of the Revised Code, the head of a 2634  
displacing agency shall make a payment to or for any displaced 2635  
person displaced from any dwelling not eligible to receive a 2636  
payment under section 163.54 of the Revised Code which dwelling 2637  
was actually and lawfully occupied by such displaced person for 2638  
not less than ninety days prior to the initiation of negotiations 2639  
for acquisition of such dwelling, or in any case in which 2640  
displacement is not a direct result of acquisition, not less than 2641  
ninety days prior to such other event as the head of the lead 2642  
agency shall prescribe. The payment shall consist of the amount 2643  
necessary to enable the displaced person to lease or rent for a 2644  
period not to exceed forty-two months, a comparable replacement 2645  
dwelling, but not to exceed ~~five~~ seven thousand two hundred ~~fifty~~ 2646  
dollars. At the discretion of the head of the displacing agency, a 2647  
payment under this division may be made in periodic installments. 2648  
Computation of a payment under this division to a low-income 2649  
displaced person shall take into account the person's income. 2650

(B) Any person eligible for a payment under division (A) of 2651  
this section may elect to apply the payment to a down payment on, 2652  
and other incidental expenses pursuant to, the purchase of a 2653  
decent, safe, and sanitary replacement dwelling. The person may, 2654  
under criteria established by the head of the displacing agency, 2655  
be eligible under this division for the maximum payment allowed 2656  
under division (A) of this section, ~~except that, in the case of a~~ 2657  
~~displaced home owner who has owned and occupied the displacement~~ 2658  
~~dwelling for at least ninety days but not more than one hundred~~ 2659  
~~eighty days immediately prior to the initiation of negotiations~~ 2660  
~~for the acquisition of such dwelling, the payment shall not exceed~~ 2661

~~the payment the person would otherwise have received under section 2662  
163.54 of the Revised Code had the person owned and occupied the 2663  
displacement dwelling one hundred eighty days immediately prior to 2664  
the initiation of the negotiations. 2665~~

**Sec. 164.26.** (A) The director of the Ohio public works 2666  
commission shall establish policies related to the need for 2667  
long-term ownership, or long-term control through a lease or the 2668  
purchase of an easement, of real property that is the subject of 2669  
an application for a grant under sections 164.20 to 164.27 of the 2670  
Revised Code and establish requirements for documentation to be 2671  
submitted by grant applicants that is necessary for the proper 2672  
administration of this division. The policies shall provide for 2673  
proper penalties, including liquidated damages and grant 2674  
repayment, for entities that fail to comply with the long-term 2675  
ownership or control requirements established under this division. 2676

The director also shall adopt policies delineating what 2677  
constitutes administrative costs for purposes of division (F) of 2678  
section 164.27 of the Revised Code. 2679

(B) The Ohio public works commission shall administer 2680  
sections 164.20 to 164.27 of the Revised Code and shall exercise 2681  
any authority and use any procedures granted or established under 2682  
sections 164.02 and 164.05 of the Revised Code that are necessary 2683  
for that purpose. 2684

**Sec. 164.261.** All of the following apply to any repayment of 2685  
a grant awarded under sections 164.20 to 164.27 of the Revised 2686  
Code: 2687

(A) The Ohio public works commission shall deposit the grant 2688  
repayment into the clean Ohio conservation fund created in section 2689  
164.27 of the Revised Code. 2690

(B) The commission shall return the grant repayment to the 2691

natural resource assistance council that approved the grant 2692  
application. 2693

(C) The grant repayment shall be used for the same purpose as 2694  
the grant was originally approved for, as provided in section 2695  
164.22 of the Revised Code. 2696

**Sec. 173.47.** (A) For purposes of publishing the Ohio 2697  
long-term care consumer guide, the department of aging shall 2698  
conduct or provide for the conduct of an annual customer 2699  
satisfaction survey of each long-term care facility. The results 2700  
of the surveys may include information obtained from long-term 2701  
care facility residents, their families, or both. A survey that is 2702  
to include information obtained from nursing facility residents 2703  
shall include the questions specified in divisions (C)(7)(a) and 2704  
(b) ~~and (18) and (D)(7)(a) and (b)~~ of section 5165.25 of the 2705  
Revised Code. A survey that is to include information obtained 2706  
from the families of nursing facility residents shall include the 2707  
questions specified in divisions (C)(8)(a) and (b) ~~and (19) and~~ 2708  
~~(D)(8)(a) and (b)~~ of section 5165.25 of the Revised Code. 2709

(B) Each long-term care facility shall cooperate in the 2710  
conduct of its annual customer satisfaction survey. 2711

**Sec. 175.04.** (A) The governor shall appoint a chairperson 2712  
from among the members. The agency members shall elect a member as 2713  
vice-chairperson. The agency members may appoint other officers, 2714  
who need not be members of the agency, as the agency deems 2715  
necessary. 2716

(B) Six members of the agency constitute a quorum and the 2717  
affirmative vote of six members is necessary for any action the 2718  
agency takes. No vacancy in agency membership impairs the right of 2719  
a quorum to exercise all of the agency's rights and perform all 2720  
the agency's duties. Agency meetings may be held at any place 2721



within the state. Meetings shall comply with section 121.22 of the Revised Code. 2722  
2723

(C) The agency shall maintain accounting records in accordance with generally accepted accounting principals and other required accounting standards. 2724  
2725  
2726

(D) The agency shall develop policies and guidelines for the administration of its programs and annually shall conduct at least one public hearing to obtain input from any interested party regarding the administration of its programs. The hearing shall be held at a time and place as the agency determines and when a quorum of the agency is present. 2727  
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(E) The agency shall appoint committees and subcommittees comprised of members of the agency to handle matters it deems appropriate. 2733  
2734  
2735

(1) The agency shall adopt an annual plan to address this state's housing needs. The agency shall appoint an annual plan committee to develop the plan and present it to the agency for consideration. 2736  
2737  
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(2) The annual plan committee shall select an advisory board from a list of interested individuals the executive director provides or on its own recommendation. The advisory board shall provide input on the plan at committee meetings prior to the annual public hearing. At the public hearing, the committee shall discuss advisory board comments. The advisory board may include, but is not limited to, persons who represent state agencies, local governments, public corporations, nonprofit organizations, community development corporations, housing advocacy organizations for low- and moderate-income persons, realtors, syndicators, investors, lending institutions as recommended by a statewide banking organization, and other entities participating in the agency's programs. 2740  
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Each agency program that allows for loans to be made to 2753  
finance housing for owner occupancy that benefits other than low- 2754  
and moderate-income households, or for loans to be made to 2755  
individuals under bonds issued pursuant to division (B) of section 2756  
175.08 of the Revised Code, shall be presented to the advisory 2757  
board and included in the annual plan as approved by the agency 2758  
before the program's implementation. 2759

(F) The agency shall prepare an annual financial report 2760  
describing its activities during the reporting year and submit 2761  
that report in accordance with division (H) of this section and 2762  
to the governor, the speaker of the house of representatives, and the 2763  
president of the senate within three months after the end of the 2764  
reporting year. The report shall include the agency's audited 2765  
financial statements, prepared in accordance with generally 2766  
accepted accounting principles and appropriate accounting 2767  
standards. 2768

(G) The agency shall prepare an annual report of its programs 2769  
describing how the programs have met this state's housing needs. 2770  
The agency shall submit the report in accordance with division (H) 2771  
of this section and to the governor, the speaker of the house of 2772  
representatives, and the president of the senate within three 2773  
months after the end of the reporting year. 2774

(H)(1) The agency shall submit, within a time frame agreed to 2775  
by the agency and the chairs, the annual financial report 2776  
described in division (F) of this section and the annual report of 2777  
programs described in division (G) of this section to the chairs 2778  
of the committees dealing with housing issues in the house of 2779  
representatives and the senate. 2780

(2) Within forty-five days of issuance of the annual 2781  
financial report, the agency's executive director shall request to 2782  
appear in person before the committees described in division 2783  
(H)(1) of this section to testify in regard to the financial 2784

report and the report of programs. The testimony shall include 2785  
each of the following: 2786

(a) An overview of the annual plan adopted pursuant to 2787  
division (E)(1) of this section; 2788

(b) An evaluation of whether the objectives in the annual 2789  
plan were met through a comparison of the annual plan with the 2790  
annual financial report and report of programs; 2791

(c) A complete listing by award and amount of all business 2792  
and contractual relationships in excess of one hundred thousand 2793  
dollars between the agency and other entities and organizations 2794  
that participated in agency programs during the fiscal year 2795  
reported by the agency's annual financial report and report of 2796  
programs; 2797

(d) A complete listing by award and amount of the low-income 2798  
housing tax credit syndication and direct investor entities for 2799  
projects that received tax credit reservations and IRS Form 8609 2800  
during the fiscal year. 2801

**Sec. 175.05.** (A) The Ohio housing finance agency shall do all 2802  
of the following related to the agency's operation: 2803

(1) Adopt bylaws for the conduct of its business; 2804

(2) Employ and fix the compensation of ~~an~~ the executive 2805  
director who serves at the pleasure of the agency to administer 2806  
the agency's programs and activities. The executive director may 2807  
employ and fix the compensation of employees in the unclassified 2808  
civil service as necessary to carry out this chapter and may 2809  
employ other personnel who are governed by collective bargaining 2810  
law and classified under that law. The executive director shall 2811  
~~file financial disclosure statements~~ carry out all duties as 2812  
described in section ~~102.02~~ 175.053 of the Revised Code. 2813

(3) Establish an operating budget for the agency and 2814

administer funds appropriated for the agency's use;	2815
(4) Notwithstanding any other provision of the Revised Code,	2816
hold all moneys, funds, properties, and assets the agency acquires	2817
or that are directly or indirectly within the agency's control,	2818
including proceeds from the sale of bonds, revenues, and	2819
otherwise, in trust for the purpose of exercising its powers and	2820
carrying out its duties pursuant to this chapter. Notwithstanding	2821
any other provision of the Revised Code other than section 175.051	2822
of the Revised Code, at no time shall the agency's moneys, funds,	2823
properties, or assets be considered public moneys, public funds,	2824
public properties, or public assets or subject to Chapters 131.	2825
and 135. of the Revised Code.	2826
(5) Maintain a principal office and other offices within the	2827
state.	2828
(B) The Ohio housing finance agency may do any of the	2829
following related to the agency's operation:	2830
(1) Except as otherwise provided in section 174.04 of the	2831
Revised Code, determine income limits for low- and moderate-income	2832
persons and establish periodic reviews of income limits. In	2833
determining income limits, the agency shall take into	2834
consideration the amount of income available for housing, family	2835
size, the cost and condition of available housing, ability to pay	2836
the amounts the private market charges for decent, safe, and	2837
sanitary housing without federal subsidy or state assistance, and	2838
the income eligibility standards of federal programs. Income	2839
limits may vary from area to area within the state.	2840
(2) Provide technical information, advice, and assistance	2841
related to obtaining federal and state aid to assist in the	2842
planning, construction, rehabilitation, refinancing, and operation	2843
of housing;	2844
(3) Provide information, assistance, or instruction	2845

concerning agency programs, eligibility requirements, application 2846  
procedures, and other related matters; 2847

(4) Procure or require the procurement of insurance and pay 2848  
the premium against loss in connection with the agency's 2849  
operations, to include the repayment of a loan, in amounts and 2850  
from insurers, including the federal government, as the agency 2851  
determines; 2852

(5) Contract with, retain, or designate financial 2853  
consultants, accountants, and other consultants and independent 2854  
contractors, other than attorneys, whom the agency determines are 2855  
necessary or appropriate; 2856

(6) Charge, alter, and collect interest and other charges for 2857  
program services including, but not limited to, the allocation of 2858  
loan funds, the purchase of mortgage loans, and the provision of 2859  
services that include processing, inspecting, and monitoring of 2860  
housing units financed and the financial records for those units; 2861

(7) Conduct or authorize studies and analyses of housing 2862  
needs and conditions to the extent that those activities are not 2863  
carried out by other agencies in a manner that is satisfactory for 2864  
the agency's needs; 2865

(8)(a) Acquire by gift, purchase, foreclosure, investment, or 2866  
other means, and hold, assign, pledge, lease, transfer, or 2867  
otherwise dispose of real and personal property or any interest in 2868  
that property in the exercise of its powers and the performance of 2869  
its duties; 2870

(b) Any instrument by which real property is acquired 2871  
pursuant to this section shall identify the state agency that has 2872  
the use and benefit of the real property as specified in section 2873  
5301.012 of the Revised Code. 2874

(9)(a) Borrow money, receive gifts, grants, loans, or other 2875  
assistance from any federal, state, local, or other government 2876

source, including the housing development fund and the housing	2877
trust fund, and enter into contracts in connection with those	2878
sources of assistance;	2879
(b) Receive assistance or contributions from any	2880
nongovernment source to include money, property, labor, or things	2881
of value, to be held, used, and applied only for the purposes for	2882
which the grants and contributions are made and within the	2883
purposes of this chapter.	2884
(10) Sue and be sued in its own name with respect to its	2885
contracts, obligations, and covenants, or the enforcement of this	2886
chapter. Any actions against the agency shall be brought in a	2887
court of competent jurisdiction located in Franklin county, Ohio.	2888
(11) Enter into any contract, commitment, or agreement and	2889
execute any instrument necessary or incidental to the performance	2890
of duties and the execution of powers;	2891
(12) Adopt an official seal;	2892
(13)(a) Contract with any private or government entity to	2893
administer programs for which the agency receives sufficient	2894
revenues for its services or the agency supports with uncommitted	2895
agency resources that pay the agency's operating costs;	2896
(b) Administer state and federal programs for which the	2897
governor designates the agency to act as administrator. The agency	2898
may charge administrative fees to the state, the federal	2899
government, or a program recipient.	2900
(14) Notwithstanding any other provision of the Revised Code,	2901
establish, maintain, administer, and close funds and accounts as	2902
convenient or appropriate to the agency's operations;	2903
(15) Establish a policy to permit the investment of agency	2904
funds in securities and obligations;	2905
(16) Establish rules and procedures that the agency	2906

determines are appropriate to appeal the agency's actions and decisions;	2907 2908
(17) Serve housing needs in instances that the agency determines necessary as a public purpose;	2909 2910
(18) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;	2911 2912
(19) Adopt rules pursuant to Chapter 119. of the Revised Code;	2913 2914
(20) Do anything necessary or appropriate to exercise the powers of this chapter and carry out the purposes of this chapter and Section 14, Article VIII and Section 16, Article VIII, Ohio Constitution.	2915 2916 2917 2918
(C) The attorney general shall serve as the legal representative for the Ohio housing finance agency and may appoint special counsel for that purpose in accordance with section 109.07 of the Revised Code.	2919 2920 2921 2922
<u>Sec. 175.053. The executive director employed by the agency pursuant to division (A)(2) of section 175.05 of the Revised Code shall do all of the following:</u>	2923 2924 2925
<u>(A) File financial disclosure statements as described in section 102.02 of the Revised Code;</u>	2926 2927
<u>(B) Ensure policies and procedures are developed and maintained for the operation and administration of the agency's programs and activities that encourage competition and minimize concentration. Policies and procedures shall address all applicable requirements described in the Revised Code and federal regulations.</u>	2928 2929 2930 2931 2932 2933
<u>(C) Provide an update, during the testimony described in division (H)(2) of section 175.04 of the Revised Code, on any audits performed during the fiscal year.</u>	2934 2935 2936

Sec. 175.06. (A) The Ohio housing finance agency shall do all 2937  
of the following related to carrying out its programs: 2938

(1) Upon the governor's designation, serve as the housing 2939  
credit agency for the state and perform all responsibilities of a 2940  
housing credit agency pursuant to Section 42 of the Internal 2941  
Revenue Code and similar applicable laws; 2942

(2) Require that housing that benefits from the agency's 2943  
assistance be available without discrimination in accordance with 2944  
Chapter 4112. of the Revised Code and applicable provisions of 2945  
federal law; 2946

(3) Demonstrate measurable and objective transparency; 2947

(4) Efficiently award funding to maximize affordable housing 2948  
production using cost-effective strategies; 2949

(5) Encourage national equity investment in low-income 2950  
housing tax credit projects; 2951

(6) Utilize resources to provide competitive homebuyer 2952  
programs to serve low- and moderate-income persons. 2953

(B) The Ohio housing finance agency may do any of the 2954  
following related to carrying out its programs: 2955

(1) Issue bonds, provide security for assets, make deposits, 2956  
purchase or make loans, provide economic incentives for the 2957  
development of housing, and provide financial assistance for 2958  
emergency housing; 2959

(2) Serve as a public housing agency and contract with the 2960  
United States department of housing and urban development to 2961  
administer the department's rent subsidy program, housing subsidy 2962  
program, and monitoring programs for low- and moderate-income 2963  
persons. The agency shall ensure that any contract into which it 2964  
enters provides for sufficient compensation to the agency for its 2965  
services. 2966



(3) Develop and administer programs under which the agency	2967
uses moneys from the housing trust fund as allocated by the	2968
department of development to extend financial assistance pursuant	2969
to sections 174.01 to 174.07 of the Revised Code;	2970
(4) Make financial assistance available;	2971
(5) Guarantee and commit to guarantee the repayment of	2972
financing that a lending institution extends for housing,	2973
guaranteeing that debt with any of the agency's reserve funds not	2974
raised by taxation and not otherwise obligated for debt service,	2975
including the housing development fund established pursuant to	2976
section 175.11 of the Revised Code and any fund created under	2977
division (B)(14) of section 175.05 of the Revised Code;	2978
(6) Make, commit to make, and participate in making financial	2979
assistance, including federally insured mortgage loans, available	2980
to finance the construction and rehabilitation of housing or to	2981
refinance existing housing;	2982
(7) Invest in, purchase, and take from lenders the assignment	2983
of notes or other evidence of debt including federally insured	2984
mortgage loans, or participate with lenders in notes and loans for	2985
homeownership, development, or refinancing of housing;	2986
(8) Sell at public or private sale any mortgage or mortgage	2987
backed securities the agency holds;	2988
(9) Issue bonds to carry out the agency's purposes as set	2989
forth in this chapter;	2990
(10) Extend or otherwise make available housing assistance on	2991
terms the agency determines.	2992
(C) The Ohio housing finance agency may issue bonds and	2993
extend financial assistance from any fund the agency administers	2994
for the prompt replacement, repair, or refinancing of damaged	2995
housing if both of the following apply:	2996

(1) The governor declares that a state of emergency exists 2997  
with respect to a county, region, or political subdivision of this 2998  
state, or declares that a county, region, or political subdivision 2999  
has experienced a disaster as defined in section 5502.21 of the 3000  
Revised Code. 3001

(2) The agency determines that the emergency or disaster has 3002  
substantially damaged or destroyed housing in the area of the 3003  
emergency or disaster. 3004

(D) The agency shall establish guidelines for extending 3005  
financial assistance for emergency housing. The guidelines shall 3006  
include eligibility criteria for assistance and the terms and 3007  
conditions under which the agency may extend financial assistance. 3008

**Sec. 191.01.** As used in this chapter: 3009

(A) "Administrative safeguards," "availability," 3010  
"confidentiality," "integrity," "physical safeguards," and 3011  
"technical safeguards" have the same meanings as in 45 C.F.R. 3012  
164.304. 3013

(B) "Business associate," "covered entity," "health plan," 3014  
"individually identifiable health information," and "protected 3015  
health information" have the same meanings as in 45 C.F.R. 3016  
160.103. 3017

(C) "Executive director of the office of health 3018  
transformation" or "executive director" means the executive 3019  
director of the office of health transformation or the chief 3020  
administrative officer of a successor governmental entity 3021  
responsible for health system oversight in this state. 3022

(D) "Government program providing public benefits" means any 3023  
program administered by a state agency that has been identified, 3024  
pursuant to section 191.02 of the Revised Code, by the executive 3025  
director of the office of health transformation in consultation 3026

with the individuals specified in that section.	3027
(E) "Office of health transformation" means the office of health transformation created by executive order 2011-02K.	3028 3029
(F) "Operating protocol" means a protocol adopted by the executive director of the office of health transformation or the executive director's designee under division (D) of section 191.06 of the Revised Code.	3030 3031 3032 3033
(G) "Participating agency" means a state agency that participates in a health transformation initiative as specified in the one or more operating protocols adopted for the initiative under division (D) of section 191.06 of the Revised Code.	3034 3035 3036 3037
(H) "Personally identifiable information" means information that meets both of the following criteria:	3038 3039
(1) It identifies an individual or there is a reasonable basis to believe that it may be used to identify an individual;	3040 3041
(2) It relates to an individual's eligibility for, application for, or receipt of public benefits from a government program providing public benefits.	3042 3043 3044
(I) "State agency" means each of the following:	3045
(1) The department of administrative services;	3046
(2) The department of aging;	3047
(3) The development services agency;	3048
(4) The department of developmental disabilities;	3049
(5) The department of education;	3050
(6) The department of health;	3051
(7) The department of insurance;	3052
(8) The department of job and family services;	3053
(9) The department of medicaid;	3054

(10) The department of mental health and addiction services;	3055
(11) The department of rehabilitation and correction;	3056
(12) The department of taxation;	3057
(13) The department of veterans services;	3058
(14) The department of youth services;	3059
<u>(15) The opportunities for Ohioans with disabilities agency.</u>	3060
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	3061
<b><u>Sec. 193.01. As used in this chapter:</u></b>	3062
<u>(A) "Allowable costs" means all or part of the costs of the</u>	3063
<u>following:</u>	3064
<u>(1) Eligible federal-military projects and project</u>	3065
<u>facilities;</u>	3066
<u>(2) Site clearance and preparation;</u>	3067
<u>(3) Supplementing and relocating public capital improvements</u>	3068
<u>or utility facilities;</u>	3069
<u>(4) Estimates of costs and expenses necessary or incident to</u>	3070
<u>determining the feasibility or practicability of assisting an</u>	3071
<u>eligible federal-military project;</u>	3072
<u>(5) Reimbursement of moneys advanced or applied by any</u>	3073
<u>government agency or other person for another allowable cost;</u>	3074
<u>(6) Such other expenses as may be necessary or incidental to</u>	3075
<u>the establishment or development of an eligible federal-military</u>	3076
<u>project.</u>	3077
<u>(B) "Eligible federal-military project" means project</u>	3078
<u>facilities to be acquired, established, constructed, expanded,</u>	3079
<u>remodeled, rehabilitated, or modernized for the improvement,</u>	3080
<u>expansion, and development of federal-military installations and</u>	3081
<u>associated public and private sector investment, the operation of</u>	3082

which, alone, or in conjunction with other investments, will 3083  
create new jobs or preserve existing jobs and employment 3084  
opportunities and improve the economic welfare of the people of 3085  
the state. 3086

(C) "Financial assistance" means agreements, loan guarantees, 3087  
and loans under section 193.05 of the Revised Code. 3088

(D) "Governmental action" means any action by a government 3089  
agency relating to the establishment, development, or operation of 3090  
an eligible federal-military project and project facilities that 3091  
the government agency has authority to take or provide for the 3092  
purpose under law. 3093

(E) "Government agency" means the following: 3094

(1) The state and any state department, division, commission, 3095  
institution, or authority; 3096

(2) A state-wide elected official; 3097

(3) A municipal corporation, county, or township of the 3098  
state, or any agency thereof; 3099

(4) Any other political subdivision or public corporation or 3100  
the United States or any agency thereof; 3101

(5) Any agency, commission, or authority established pursuant 3102  
to an interstate compact or agreement; 3103

(6) Any combination of divisions (E)(1) to (E)(5) of this 3104  
section. 3105

(F) "Person" means any individual, firm, partnership, 3106  
association, limited liability company, corporation, or government 3107  
agency. 3108

(G) "Project facilities" means facilities and other 3109  
improvements, and equipment and other property, excluding small 3110  
tools, supplies, and inventory, and any one, part of, or 3111  
combination of the above, comprising all or part of, or serving or 3112

being incidental to, an eligible federal-military project, 3113  
including, but not limited to, public capital improvements. 3114

(H) "Property" means real and personal property and 3115  
interests. 3116

(I) "Public capital improvements" means capital improvements 3117  
or facilities that any government agency, or any entity that the 3118  
agency hires, has authority to acquire, own, maintain, fund, or 3119  
operate, including, but not limited to, highways, roads, streets, 3120  
water and sewer facilities, railroad and other transportation 3121  
facilities, and air and water pollution control and solid waste 3122  
disposal facilities. 3123

(J) "Regional economic development entity" means an entity 3124  
that is under contract with the federal-military jobs commission 3125  
to administer financial assistance under this chapter in a 3126  
particular area of this state, or the government agency designated 3127  
by the federal-military jobs commission to administer financial 3128  
assistance on its behalf under this chapter. 3129

**Sec. 193.02.** The general assembly finds that the presence and 3130  
stability of federal-military installations within the state 3131  
creates new jobs or preserves existing jobs and employment 3132  
opportunities and improves the economic welfare of the people of 3133  
the state and materially contributes to regional economic 3134  
stability in the area of their locations. Therefore, it is 3135  
declared to be the public policy of the state, through the 3136  
operations of this chapter and other applicable laws adopted 3137  
pursuant to Section 13 of Article VIII, Ohio Constitution, and 3138  
other authority vested in the general assembly, to assist in and 3139  
facilitate the establishment or development of eligible 3140  
federal-military projects and assist and cooperate with any 3141  
government agency in achieving such purpose. 3142

Sec. 193.03. There is hereby created the federal-military 3143  
jobs program to be administered by the federal-military jobs 3144  
commission established in section 193.04 of the Revised Code. The 3145  
program shall enhance, foster, and aid job creation and job 3146  
preservation in connection with eligible federal-military projects 3147  
in accordance with this chapter. Such assistance would be 3148  
available to any person. 3149

Sec. 193.04. (A) There is hereby created the federal-military 3150  
jobs commission to develop and maintain an ongoing strategy for 3151  
retention and growth of federal-military jobs and associated 3152  
private sector jobs in the state. The commission shall establish 3153  
criteria for and make available financial assistance for eligible 3154  
federal-military projects and take such other actions as necessary 3155  
to implement the federal-military jobs program established in 3156  
section 193.03 of the Revised Code. 3157

(B) The commission shall consist of the following members: 3158

(1) Three members appointed by the president of the senate, 3159  
one of which is recommended by the minority leader of the senate; 3160

(2) Three members appointed by the speaker of the house of 3161  
representatives, one of which is recommended by the minority 3162  
leader of the house of representatives; 3163

(3) Three members appointed by the governor. 3164

(C)(1) Initial appointments to the commission shall be made 3165  
not later than December 31, 2014. Of the initial appointees made 3166  
by the governor, one shall serve an initial term of one year, one 3167  
shall serve an initial term of two years, and one shall serve an 3168  
initial term of three years. Thereafter, each member appointed by 3169  
the governor shall serve a three-year term. The members appointed 3170  
by the speaker and president shall serve four-year terms or until 3171  
they are no longer members of the general assembly. 3172

(2) Appointments made by the governor shall require 3173  
confirmation of the senate. Members may be reappointed to the 3174  
commission. Vacancies on the commission shall be filled in the 3175  
same manner as the original appointments. 3176

(3) Members serve at the pleasure of, and may be removed for 3177  
just cause by, the member's appointing authority. 3178

(D) The first person appointed by the president of the senate 3179  
shall schedule the first meeting of the commission. At the first 3180  
meeting, the commission shall select a chairperson from among its 3181  
members. After the first meeting, the commission shall meet at 3182  
least once during each quarter at the call of the chairperson or 3183  
upon the request of a majority of the commission's members. A 3184  
majority of the commission constitutes a quorum, and no action 3185  
shall be taken without the concurrence of a majority of the 3186  
members. 3187

(E) The treasurer of state shall provide administrative 3188  
assistance to the commission, including office space and 3189  
facilities for the commission. 3190

(F) The commission shall administer any money that may be 3191  
appropriated to it by the general assembly, and the treasurer of 3192  
state may pay expenses related to the commission, which shall be 3193  
reimbursed from the federal-military jobs fund. 3194

(G) The treasurer of state may adopt rules under Chapter 119. 3195  
of the Revised Code to implement this chapter. 3196

(H) Commission members shall serve without compensation, but 3197  
shall be reimbursed for actual and necessary expenses incurred in 3198  
the performance of commission duties. 3199

(I) Members of the commission shall file financial disclosure 3200  
statements described in division (B) of section 102.02 of the 3201  
Revised Code. 3202



(J) The attorney general shall serve as the legal representative for the commission and may appoint special counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code. 3203  
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**Sec. 193.05.** (A) The federal-military jobs commission shall be responsible for the furtherance and implementation of federal-military installation jobs and investment programs under this chapter. The federal-military jobs commission may do any of the following: 3207  
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(1) After consultation with appropriate government agencies: 3212

(a) Enter into agreements with government agencies and persons engaged in industry, commerce, distribution, or research to induce such persons to acquire, construct, reconstruct, rehabilitate, renovate, enlarge, improve, equip, or furnish, or otherwise develop, eligible federal-military projects; and 3213  
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3217

(b) Make provisions in the agreements for project facilities and governmental actions, as authorized by this chapter and other applicable laws, which shall be subject to any required actions by the general assembly or the controlling board and subject to applicable local government ordinances, resolutions, and regulations. 3218  
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3220  
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3222  
3223

(2)(a) Make loans to persons or government agencies to pay the allowable costs of eligible federal-military projects, with such fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of, and security for, those loans as the commission determines to be appropriate and in furtherance of the purpose for which the loans are made; 3224  
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(b) In conjunction with regional economic development entities, take actions necessary or appropriate to collect or 3231  
3232

otherwise deal with any loan made under this section. 3233

(3) Provide for, in connection with the treasurer of state, 3234  
guarantees of loans or enhancement of obligations made to persons 3235  
for an eligible federal-military project, which such guarantees 3236  
shall contain terms and conditions as specified by the commission 3237  
for loans pursuant to division (A)(2) of this section; 3238

(4) Retain the services of, or employ, consultants, agents, 3239  
and independent contractors as are necessary in the commission's 3240  
judgment and fix the compensation for their services; 3241

(5) Receive and accept from any person grants, gifts, and 3242  
contributions of money, property, labor, and other things of 3243  
value, to be held, used, and applied only for the purpose for 3244  
which such grants, gifts, and contributions are made, which, if 3245  
applicable, shall be deposited into the federal-military jobs 3246  
fund; 3247

(6) Enter into appropriate arrangements with any government 3248  
agency, under which the government agency may take or provide for 3249  
any governmental action; 3250

(7) Perform all other acts and enter into contracts and 3251  
execute all instruments necessary or appropriate to carry out the 3252  
provisions of this chapter; 3253

(8) Adopt internal rules and policies to implement any of the 3254  
provisions of this chapter applicable to the commission. 3255

(B) The determinations by the commission that facilities 3256  
constitute eligible federal-military projects, that facilities are 3257  
project facilities, that costs of such facilities are allowable 3258  
costs, and all other determinations that are made for or are 3259  
relevant to an action taken or agreement entered into shall be 3260  
conclusive for purposes of the validity and enforceability of 3261  
rights of parties arising from actions taken and agreements 3262  
entered into under this chapter. 3263

(C) Except as otherwise prescribed in this chapter, all 3264  
expenses and obligations incurred by the commission in carrying 3265  
out the commission's powers and in exercising the commission's 3266  
duties under this chapter, shall be payable solely from, as 3267  
appropriate, moneys in the federal-military jobs fund. This 3268  
chapter does not authorize the commission to incur bonded 3269  
indebtedness of the state or any political subdivision thereof, or 3270  
to obligate or pledge moneys raised by taxation for the payment of 3271  
any guarantees made pursuant to this chapter. 3272

(D) Any government agency may enter into an agreement with 3273  
the commission, any other government agency, or a person to be 3274  
assisted under this chapter, to take or provide for the purposes 3275  
of this chapter any governmental action it is authorized to take 3276  
or provide under this chapter. Any government agency may 3277  
undertake, on behalf and at the request of the commission, any 3278  
action which the commission is authorized to undertake pursuant to 3279  
divisions (A)(1), (2), and (3) of this section. Government 3280  
agencies of the state shall cooperate with and provide assistance 3281  
to the commission and the controlling board in the exercise of 3282  
their respective functions under this chapter. 3283

**Sec. 193.07.** (A)(1) There is hereby created in the state 3284  
treasury the federal-military jobs fund. The fund shall consist of 3285  
moneys appropriated to it by the general assembly, repayments of 3286  
principal and interest on financial assistance made from the fund, 3287  
and any grants or donations received from nonpublic entities. 3288

(2) Interest earned on the money in the federal-military jobs 3289  
fund shall be credited to the fund. 3290

(B) Funds for financial assistance authorized by, or powers 3291  
exercised by, the federal-military jobs commission, including 3292  
incidental administrative costs and expenses, shall be made from 3293  
the federal-military jobs fund. 3294

<u>Sec. 193.09. (A) Applications describing proposals for</u>	3295
<u>financial assistance under the federal-military jobs program shall</u>	3296
<u>be submitted to the federal-military jobs commission. The</u>	3297
<u>commission may designate regional economic development entities</u>	3298
<u>for technical or administrative assistance with the application</u>	3299
<u>process. The commission shall award financial assistance under the</u>	3300
<u>program in accordance with criteria developed by the commission.</u>	3301
<u>(B) Not later than January 31, 2015, the commission shall</u>	3302
<u>establish criteria for evaluating proposals and awarding financial</u>	3303
<u>assistance for eligible federal-military projects. The criteria</u>	3304
<u>for evaluating proposals may include the following provisions:</u>	3305
<u>(1) The total number of jobs created or preserved;</u>	3306
<u>(2) The expected impact on employment in the surrounding</u>	3307
<u>region;</u>	3308
<u>(3) The expressed support from the applicable federal agency</u>	3309
<u>with respect to the eligible federal-military project;</u>	3310
<u>(4) The expected return on investment, based on the ratio of</u>	3311
<u>expected savings;</u>	3312
<u>(5) The number of participating entities in the proposal;</u>	3313
<u>(6) The probability of the proposal's success;</u>	3314
<u>(7) The percentage of local matching funds available;</u>	3315
<u>(8) The ability to replicate the proposal in other political</u>	3316
<u>subdivisions;</u>	3317
<u>(9) Whether the proposal is part of a larger consolidation</u>	3318
<u>effort by the applicant or applicants;</u>	3319
<u>(10) If applicable, the federal or military value of the</u>	3320
<u>proposal, which may provide in whole or in part, current and</u>	3321
<u>future mission capabilities and the impact on operational</u>	3322
<u>readiness;</u>	3323

(11) If applicable, whether the proposal provides the ability 3324  
to accommodate contingency, mobilization, surge, and future total 3325  
force increases; 3326

(12) If applicable, the operational value of the project for 3327  
military purposes; 3328

(13) A recommendation from JobsOhio on return on investment 3329  
for the state. 3330

**Sec. 193.11.** The federal-military jobs commission shall, in 3331  
exercising its powers and duties, develop and implement plans for 3332  
encouraging local support for the purposes of the federal-military 3333  
jobs program under this chapter and for each eligible 3334  
federal-military project for which it provides financial 3335  
assistance. 3336

**Sec. 193.13.** Not later than the thirty-first day of January 3337  
of each year, the federal-military jobs commission shall submit a 3338  
report to the governor, the president and minority leader of the 3339  
senate, and the speaker and minority leader of the house of 3340  
representatives that outlines the commission's activities for the 3341  
preceding year. The report shall include a listing of recipients 3342  
of financial assistance, if any, the amount of such financial 3343  
assistance, and any other information about the federal-military 3344  
jobs program that the commission determines necessary to include 3345  
in the report. 3346

**Sec. 306.04.** (A) Except as otherwise provided in division (B) 3347  
of this section, employees of a county transit board or a board of 3348  
county commissioners operating a transit system are employees of 3349  
the county. If the system is operated by the board of county 3350  
commissioners, the board shall appoint an executive director, who 3351  
shall be in the unclassified service. 3352

(B) Any county transit board that established its own civil service organization and procedure prior to October 25, 1995, shall continue to operate under that organization. Appointments and promotions in that system shall be made, as far as practicable, by competitive examination.

A board that established its own civil service organization prior to October 25, 1995, shall establish by rule the seniority provisions relating to street railway and motor bus employees in effect at the time of the acquisition of the transit system by the county. The vacation, holiday, and sick leave privileges shall not be regulated by other provisions of law relating to public employees of the state or county, except that the transit board, its officers and employees, shall be subject to the public employees retirement system of the state and the transit board shall assume any pension obligations which have been assumed by any publicly owned transit system which the county may acquire.

(C) A county transit board or board of county commissioners operating a transit system may:

(1) Acquire in its name by gift, grant, purchase, or condemnation and hold and operate real estate and interests therein and personal property suitable for its purposes;

(2) In its name purchase, acquire, construct, enlarge, improve, equip, repair, maintain, sell, exchange, lease as lessee or lessor, receive a right of use of, and manage, control, and operate, in or out of the county, a county transit system consisting of all real estate and interests therein, personal property, and a combination thereof, for or related to the movement of persons including but not limited to street railway, tramline, subways, rapid transits, monorails, and passenger bus systems but excluding therefrom trucks, the movement of property by truck, and facilities designed for use in the movement of property by truck for hire;

(3) Issue, with the approval of the county commissioners when 3385  
the issuance is made by the transit board, revenue bonds of the 3386  
county as provided in division (B) of section 306.09 of the 3387  
Revised Code, to secure funds to accomplish its purposes. The 3388  
principal of and interest on such bonds, together with all other 3389  
payments required to be made by the trust agreement or indenture 3390  
securing such bonds, shall be paid solely from revenues or other 3391  
income accruing to the board from facilities of the county transit 3392  
system designated in said agreement or indenture. 3393

(4) Enter into contracts in the exercise of the rights, 3394  
powers, and duties conferred upon it, and execute all instruments 3395  
necessary in the conduct of its business; 3396

(5) Fix, alter, and charge rates and other charges for the 3397  
use of its real estate and interests therein, personal property, 3398  
and combinations thereof; 3399

(6) Employ such financial consultants, accountants, 3400  
appraisers, consulting engineers, architects, construction 3401  
experts, attorneys-at-law, managers and other supervisory 3402  
personnel, and other officers, employees, and agents as it 3403  
determines necessary to conduct its business, and fix their 3404  
compensation and duties; 3405

(7) Pledge, hypothecate, or otherwise encumber its revenues 3406  
and other income as security for its obligations and enter into 3407  
trust agreements or indentures for the benefit of revenue 3408  
bondholders; 3409

(8) Borrow money or accept or contract to accept advances, 3410  
loans, gifts, grants, devises, or bequests from and enter into 3411  
contracts or agreements with any federal, state, or other 3412  
governmental or private source and hold and apply advances, loans, 3413  
gifts, grants, devises, or bequests according to the terms thereof 3414  
including provisions which are required by such federal, state, or 3415

other governmental or private source to protect the interest of 3416  
employees affected by such advances, loans, gifts, grants, 3417  
devises, or bequests. Such advances, loans, gifts, grants, or 3418  
devises may be subject to any reasonable reservation and any gift, 3419  
grant, or devise or real estate may be in fee simple or any lesser 3420  
estate. Any advances or loans received from any federal, state, or 3421  
other governmental or private source may be repaid in accordance 3422  
with the terms of such advance or loan. A loan accepted by a 3423  
county transit board shall not, in any way, obligate the general 3424  
fund of a county or a board of county commissioners. 3425

(9) Conduct investigations and surveys into the needs of the 3426  
public within or without the county for transportation services to 3427  
provide for the movement of persons within, into, or from the area 3428  
serviced or to be serviced by the county transit system; 3429

(10) Enter into lawful arrangements with the appropriate 3430  
federal or state department or agency, county, township, municipal 3431  
corporation, or other political subdivision or public agency for 3432  
the planning and installation of any public facilities which are 3433  
determined necessary in the conduct of its business; 3434

(11) Purchase fire, extended coverage, and liability 3435  
insurance for the real estate and interests therein, personal 3436  
property and any combination thereof, used by or in connection 3437  
with the county transit system and insurance covering the board 3438  
and the county transit system and its officers and employees for 3439  
liability for damage or injury to persons or property; 3440

(12) Procure and pay all or any part of the cost of group 3441  
hospitalization, surgical, major medical, or sickness and accident 3442  
insurance, or a combination thereof, for the officers and 3443  
employees of the county transit system and their immediate 3444  
dependents, issued by an insurance company, duly authorized to do 3445  
business in this state; 3446



(13) Sell, lease, release, or otherwise dispose of real 3447  
estate or interests therein or personal property owned by it and 3448  
grant such easements across its real estate and interests therein 3449  
as will not interfere with its use by the county transit system; 3450

(14) Establish rules for the use and operation of the county 3451  
transit system including the real estate or interests therein, 3452  
personal property or a combination of the foregoing used by or in 3453  
connection with such system; 3454

(15) Exercise the power of eminent domain to appropriate any 3455  
real estate or interests therein, personal property, franchises, 3456  
or any combination thereof, within or without the county, 3457  
necessary or proper in the exercise of its powers provided in 3458  
sections 306.01 to 306.13 of the Revised Code, as provided in 3459  
sections 163.01 to 163.22 of the Revised Code, and subject to 3460  
divisions (15)(a), (b), and (c) of this section, provided that a 3461  
county transit board or a board of county commissioners operating 3462  
a transit system shall not proceed to so appropriate real property 3463  
outside its territorial boundaries, until it has served at the 3464  
office of the county commissioners of the county in which it is 3465  
proposed to appropriate real property, a notice describing the 3466  
real property to be taken and the purpose for which it is proposed 3467  
to be taken, and such county commissioners have entered on their 3468  
journal within thirty days after such service a resolution 3469  
approving such appropriation. 3470

(a) Nothing contained in this division authorizes a county 3471  
transit board or a board of county commissioners to appropriate 3472  
any land, rights, rights-of-way, franchises, or easements 3473  
belonging to the state or to a municipal corporation without the 3474  
consent of the state or of the municipal corporation, and no 3475  
county transit board or board of county commissioners shall 3476  
exercise the right of eminent domain to acquire any certificate of 3477  
public convenience and necessity, or any part thereof, issued to a 3478

for-hire motor carrier by the public utilities commission of Ohio 3479  
or by the federal motor carrier safety administration of the 3480  
United States, or to take or disturb other real estate or 3481  
interests therein, personal property, or any combination thereof 3482  
belonging to any municipal corporation without the consent of the 3483  
legislative authority of such municipal corporation, or take or 3484  
disturb real estate or interests therein, personal property, or 3485  
any combination thereof belonging to any other political 3486  
subdivision, public corporation, public utility, or common 3487  
carrier, which is necessary and convenient in the operation of 3488  
such political subdivision, public corporation, public utility, or 3489  
common carrier unless provision is made for the restoration, 3490  
relocation, or duplication of that taken or upon the election of 3491  
such political subdivision, public corporation, public utility, or 3492  
common carrier for the payment of compensation, if any, at the 3493  
sole cost of the county transit system. 3494

(b) If any restoration or duplication proposed to be made 3495  
under this division involves a relocation, the new location shall 3496  
have at least comparable utilitarian value and effectiveness, and 3497  
such relocation shall not impair the ability of the public utility 3498  
or common carrier to compete in its original area of operation. 3499

(c) If such restoration or duplication proposed to be made 3500  
under this division involves a relocation, the county transit 3501  
board or board of county commissioners shall acquire no interest 3502  
or right in or to the appropriated property or facility until the 3503  
relocated property or facility is available for use and until 3504  
marketable title thereto has been transferred to the political 3505  
subdivision, public corporation, public utility, or common 3506  
carrier. Nothing in this division shall require any board of 3507  
county commissioners or county transit board operating a county 3508  
transit system to so restore, relocate, or duplicate, if all of 3509  
the real estate and interests therein, personal property, and any 3510

combination of the foregoing which is owned by a public utility or 3511  
common carrier and used by it or in connection with the movement 3512  
of persons, is acquired by exercise of the power of eminent 3513  
domain. 3514

(16) When real property is acquired that is located outside 3515  
the county and is removed from the tax duplicate, the county 3516  
transit board or board of county commissioners operating a transit 3517  
system shall pay annually to the county treasurer of the county in 3518  
which that property is located, commencing with the first tax year 3519  
in which that property is removed from the tax duplicate, an 3520  
amount of money in lieu of taxes equal to the smaller of the 3521  
following: 3522

(a) The last annual installment of taxes due from the 3523  
acquired property before removal from the tax duplicate; 3524

(b) An amount equal to the difference between the combined 3525  
revenue from real estate taxes of all the taxing districts in 3526  
which the property is located in the tax year immediately prior to 3527  
the removal of the acquired property from the tax duplicate, and 3528  
either: 3529

(i) The total revenue which would be produced by the tax rate 3530  
of each such taxing district in the tax year immediately prior to 3531  
the removal of the acquired property from the tax duplicate, 3532  
applied to the real estate tax duplicate of each of such taxing 3533  
districts in each tax year subsequent to the year of removal; or 3534

(ii) The combined revenue from real estate taxes of all such 3535  
taxing districts in each tax year subsequent to the year of 3536  
removal, whichever is the greater. 3537

The county transit board or board of county commissioners may 3538  
be exempted from such payment by agreement of the affected taxing 3539  
district or districts in the county in which the property is 3540  
located. 3541

The county auditor of the county in which that property is 3542  
located shall apportion each such annual payment to each taxing 3543  
district as if the annual payment had been levied and collected as 3544  
a tax. 3545

Those annual payments shall never again be made after they 3546  
have ceased. 3547

(17) Sue or be sued, plead or be impleaded, and be held 3548  
liable in any court of proper jurisdiction for damages received by 3549  
reason of negligence, in the same manner and to the same extent as 3550  
if the county transit system were privately operated, provided, 3551  
that no funds of a county other than those of the county transit 3552  
board or, if the transit system is operated by the board of county 3553  
commissioners, other than those in the account for the county 3554  
transit system created under division (C) of section 306.01 of the 3555  
Revised Code, shall be available for the satisfaction of judgments 3556  
rendered against that system; 3557

(18) Annually prepare and make available for public 3558  
inspection a report in condensed form showing the financial 3559  
results of the operation of the county transit system. For systems 3560  
operated by a county transit board, copies of this report shall be 3561  
furnished to the county commissioners as well as a monthly summary 3562  
statement of revenues and expenses for the preceding month 3563  
sufficient to show the exact financial condition of the county 3564  
transit system as of the last day of the preceding month. 3565

(19) With the approval of the county commissioners when the 3566  
action is taken by the transit board, and without competitive 3567  
bidding, sell, lease, or grant the right of use of all or a 3568  
portion of the county transit system to any other political 3569  
subdivision, taxing district, or other public body or agency 3570  
having the power to operate a transit system; 3571

~~(20) Enter into and supervise franchise agreements for the 3572~~

<del>operation of a county transit system;</del>	3573
<del>(21) Accept the assignment of and then supervise an existing franchise agreement for the operation of a county transit system.</del>	3574
<del>(D)(1) As used in this division:</del>	3575
<del>(a) "Applicant" means any person who responds to a request for proposals and submits an application for a franchise to operate a public transit system or portion of a public transit system;</del>	3576
<del>(b) "Application for certification" means the documents that are required to be filed by a franchisee to initiate the proceedings required for certification;</del>	3577
<del>(c) "Application for a franchise" means the documents that are required to be filed in response to a request for proposals and that initiate the proceedings required for the award of a franchise;</del>	3578
<del>(d) "Certification" means the order issued by a board of county commissioners, after submission of an application for certification, that approves the operation of a public transit system, or a portion of a public transit system, by a franchisee, subject to terms and conditions imposed by the board.</del>	3579
<del>(e) "Franchise" means the document and all accompanying rights approved by the board of county commissioners that provides the franchisee with the exclusive right to establish a public transit system and, subject to certification, the right to operate a public transit system. A franchise may include the right of a franchisee to provide transportation services for a county department of job and family services.</del>	3580
<del>(f) "Franchisee" means the individual, corporation, or other entity awarded a franchise.</del>	3581
<del>(2) A board of county commissioners, on behalf of a county</del>	3582
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transit board, may award a franchise to an applicant subject to 3603  
such terms and conditions as the board of county commissioners 3604  
considers appropriate and consistent with applicable laws. 3605  
Subsequent to awarding the franchise, the board of county 3606  
commissioners may issue a certification and, until such issuance, 3607  
the franchisee has no right to operate a public transit system or 3608  
part of such a system. The board of county commissioners shall not 3609  
delete, alter, or amend the terms and conditions of the 3610  
certification after its issuance. The board shall include in the 3611  
certification performance targets related to the operation of a 3612  
public transit system by the franchisee, including cost savings to 3613  
the county, gains in efficiency, the safety and security of the 3614  
traveling public and franchise employees, service to the traveling 3615  
public, return on any investments made by the county, and any 3616  
other performance targets as determined by the board. All terms 3617  
and conditions of the order of certification are terms and 3618  
conditions of the franchise. Unless expressly exempted or granted 3619  
a waiver in the certification, the franchisee shall comply with 3620  
all applicable rules, regulations, orders, and ordinances. 3621

(3) The award of a franchise by a board of county 3622  
commissioners to an applicant is the sole license and authority 3623  
for the franchisee to establish a public transit system and, 3624  
subject to certification, operate a public transit system. 3625

(4) A board of county commissioners shall award a franchise 3626  
for a period of not less than ten years, as provided in the 3627  
franchise. 3628

(5) A franchise shall not prohibit the franchisee from 3629  
implementing new or improved services during the term of the 3630  
franchise. 3631

(6) A franchisee shall coordinate its services, as specified 3632  
in the franchise, with public transit providers to make effective 3633  
transportation services available to the public and provide access 3634

to and from the public transit system. 3635

(7) A board of county commissioners shall provide terms and 3636  
conditions in a franchise to ensure that the franchisee will 3637  
continue operation of the public transit system for the duration 3638  
of the term of the franchise or, if the franchise is revoked, 3639  
suspended, or abandoned, that financial and other necessary 3640  
resources are available to continue the operation of the system 3641  
until another franchisee is selected or until the board of county 3642  
commissioners determines to cease the transit operations governed 3643  
by the franchise. The franchise shall specifically provide that 3644  
the board shall have the right to terminate the franchise if the 3645  
board determines that the franchisee has materially breached the 3646  
franchise in any manner. The franchisee may appeal such a 3647  
termination to the board, and, if the board upholds the 3648  
termination, to the proper court of common pleas. 3649

**Sec. 306.14.** (A) If a board of county commissioners awards a 3650  
franchise to a franchisee on behalf of a county transit board, the 3651  
county transit board shall submit an annual written report to the 3652  
board of county commissioners not later than a date designated by 3653  
the board of county commissioners and in a form prescribed by that 3654  
board. The board of county commissioners shall make the report 3655  
available on the general web site of the county. The county 3656  
transit board shall include in the report a description in detail 3657  
of the effects the franchise agreement had during the prior year 3658  
on all of the following as they relate to the operation of a 3659  
public transit system by the franchisee in that county: 3660

(1) Cost savings to the county; 3661

(2) Efficiency; 3662

(3) Safety and security of the traveling public and franchise 3663  
employees; 3664

<u>(4) Service to the traveling public;</u>	3665
<u>(5) Return on investment by the county;</u>	3666
<u>(6) Any other aspects the board of county commissioners</u>	3667
<u>determines should be included in the report.</u>	3668
<u>(B) A franchisee that is awarded a franchise by a board of</u>	3669
<u>county commissioners on behalf of a county transit board shall</u>	3670
<u>submit an annual written report to the board of county</u>	3671
<u>commissioners or county transit board not later than a date</u>	3672
<u>designated by the board of county commissioners and in a form</u>	3673
<u>prescribed by that board. The board of county commissioners also</u>	3674
<u>shall direct the franchisee to submit the report to the board of</u>	3675
<u>county commissioners, the county transit board, or both. The board</u>	3676
<u>of county commissioners shall establish the issues to be addressed</u>	3677
<u>in the report with respect to the public transit system that the</u>	3678
<u>franchisee operated during the prior year. The board of county</u>	3679
<u>commissioners shall make the report available on the general web</u>	3680
<u>site of the county.</u>	3681
<u>(C) A board of county commissioners that awards a franchise</u>	3682
<u>to a franchisee on behalf of a county transit board shall conduct</u>	3683
<u>an annual review of the performance of the franchisee. The board</u>	3684
<u>of county commissioners shall include in the review a</u>	3685
<u>determination of the number of performance targets the franchisee</u>	3686
<u>met during the prior year and an evaluation of the franchisee's</u>	3687
<u>compliance with the other terms and conditions of the franchise,</u>	3688
<u>including any breaches of the franchise by the franchisee. The</u>	3689
<u>board shall issue a written report, and shall make the report</u>	3690
<u>available on the general web site of the county.</u>	3691
<b><u>Sec. 307.678. (A) As used in this section:</u></b>	3692
<u>(1) "Stadium" means an open-air structure designed and</u>	3693
<u>developed to provide a venue for public entertainment, cultural</u>	3694



activities and recreation, or any combination thereof, including 3695  
concerts, athletic and sporting events, and other events and 3696  
exhibitions, together with concession, locker room, parking, 3697  
restroom, and storage facilities, walkways, and other auxiliary 3698  
facilities, whether included within or separate from the 3699  
structure, and all real and personal property and interests 3700  
therein related to the use of the structure for those purposes. 3701

(2) "Bureau" means a nonprofit corporation that is organized 3702  
under the laws of this state that is, or has among its functions 3703  
acting as, a convention and visitors' bureau, and that currently 3704  
receives revenue from existing lodging taxes. 3705

(3) "Cooperating parties" means the parties to a cooperative 3706  
agreement. 3707

(4) "Cooperative agreement" means an agreement entered into 3708  
pursuant to division (B) of this section. 3709

(5) "Corporation" means a nonprofit corporation that is 3710  
organized under the laws of this state and has corporate authority 3711  
under its organizational instruments to acquire, construct, 3712  
reconstruct, equip, finance, furnish, otherwise improve, own, 3713  
lease, or operate a stadium. 3714

(6) "Debt charges" has the same meaning as in section 133.01 3715  
of the Revised Code, except that "obligations" shall be 3716  
substituted for "securities" wherever "securities" appears in that 3717  
section. 3718

(7) "Eligible county" means a county having a population of 3719  
at least three hundred seventy-five thousand, but not more than 3720  
four hundred thousand, according to the most recent federal 3721  
decennial census. 3722

(8) "Existing lodging taxes" means taxes levied by a board of 3723  
county commissioners of an eligible county under division (A) of 3724  
section 5739.09 of the Revised Code. 3725

(9) "Financing costs" means all costs and expenses relating to the authorization, including any required election, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing, of obligations, including, without limitation, costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, and informational statements, travel and transportation, underwriters, placement agents, investment bankers, paying agents, registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting and computation services, legal services and obtaining approving legal opinions and other legal opinions, credit ratings, redemption premiums, and credit enhancement facilities. Financing costs may be paid from any money available for the purpose, including, unless otherwise provided in the proceedings, from the proceeds of the obligations to which they relate and, as to future financing costs, from the same sources from which debt charges on the obligations are paid and as though debt charges. 3726  
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(10) "Host municipal corporation" means a municipal corporation, having a population of at least seventy thousand but not more than eighty thousand according to the most recent federal decennial census, within the boundaries of which a stadium is located. 3748  
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(11) "Host school district" means the school district within the boundaries of which a stadium is located. 3753  
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(12) "Issuer" means any issuer, as defined in section 133.01 of the Revised Code, and any corporation. 3755  
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(13) "Obligations" means obligations that are issued or 3757

incurred by an issuer pursuant to Chapter 133. or 4582. of the 3758  
Revised Code, or otherwise, for the purpose of funding or paying, 3759  
or reimbursing persons for the funding or payment of, project 3760  
costs, and that evidence the issuer's obligation to repay borrowed 3761  
money, including interest thereon, or to pay other money 3762  
obligations of the issuer at any future time, including, without 3763  
limitation, bonds, notes, anticipatory securities as defined in 3764  
section 133.01 of the Revised Code, certificates of indebtedness, 3765  
commercial paper, or installment sale, lease, lease-purchase, or 3766  
similar agreements. 3767

(14) "Port authority" means a port authority created under 3768  
Chapter 4582. of the Revised Code. 3769

(15) "Project" means acquiring, constructing, reconstructing, 3770  
rehabilitating, remodeling, renovating, enlarging, equipping, 3771  
furnishing, or otherwise improving a stadium or any component or 3772  
element thereof. 3773

(16) "Project cost" means the cost of acquiring, 3774  
constructing, reconstructing, rehabilitating, remodeling, 3775  
renovating, enlarging, equipping, financing, refinancing, 3776  
furnishing, or otherwise improving a project, including, without 3777  
limitation, financing costs; the cost of architectural, 3778  
engineering, and other professional services, designs, plans, 3779  
specifications, surveys, and estimates of costs; financing or 3780  
refinancing obligations issued by, or reimbursing money advanced 3781  
by, any cooperating party or any other person, where the proceeds 3782  
of the obligations or money advanced was used to pay any other 3783  
cost described in this division; inspections and testing; any 3784  
indemnity or surety bond or premium related to insurance 3785  
pertaining to development of the project; all related direct and 3786  
indirect administrative costs; fees and expenses of trustees, 3787  
escrow agents, depositories, and paying agents for any 3788  
obligations; interest on obligations during the planning, design, 3789

and development of a project and for up to eighteen months 3790  
thereafter; funding of reserves for the payment of debt charges on 3791  
any obligations; and all other expenses necessary or incident to 3792  
planning, or determining the feasibility or practicability of, a 3793  
project, including, without limitation, advocating the enactment 3794  
of legislation to facilitate the development and financing of a 3795  
project. 3796

(B) On or before December 31, 2015, the board of county 3797  
commissioners of an eligible county, a host municipal corporation, 3798  
the board of education of a host school district, a port 3799  
authority, a bureau, and a corporation, or any combination 3800  
thereof, may enter into a cooperative agreement under which: 3801

(1) The board of county commissioners and the bureau agree to 3802  
make available to a cooperating party or any other person proceeds 3803  
of an existing lodging tax, not to exceed five hundred thousand 3804  
dollars each year, to pay project costs or debt charges on 3805  
obligations issued by a cooperating party to fund, finance, or 3806  
refinance the payment of project costs; 3807

(2) The cooperating parties agree, subject to any conditions 3808  
or limitations provided in the cooperative agreement, to each of 3809  
the following: 3810

(a) The conveyance, grant, or transfer to a cooperating party 3811  
or any other person of ownership of, property interests in, and 3812  
rights to use a stadium, either as the stadium exists at the time 3813  
of the agreement or as it may be improved by a project; 3814

(b) The respective responsibilities of each cooperating party 3815  
for the management, operation, maintenance, repair, and 3816  
replacement of a stadium, including any project undertaken with 3817  
respect to the stadium, which may include authorization for a 3818  
cooperating party to contract with any other person for any such 3819  
purpose; 3820

(c) The respective responsibilities of each cooperating party for the development and financing of a project, including, without limitation, the cooperating party or parties that shall be responsible for contracting for the development of a project and administering contracts into which the party or parties enter into for that purpose; 3821  
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(d) The respective responsibilities of each cooperating party to provide money, whether by issuing obligations or otherwise, for the funding, payment, financing, or refinancing, or reimbursement to a cooperating party or other person for the funding, payment, financing, or refinancing, of project costs; 3827  
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(e) The respective responsibilities of each cooperating party, or any other person, to provide money or other security for the payment of debt charges on obligations. 3832  
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(C) Any conveyance, grant, or transfer of ownership of, property interests in, or rights to use a stadium, and any contract for the development, management, operation, maintenance, repair, or replacement of a stadium, including any project undertaken with respect to an existing stadium, that is contemplated by a cooperative agreement may be made or entered into by a cooperating party, in such manner and upon such terms as the cooperating parties may agree, without any requirement of bidding and without regard to ownership of the stadium, notwithstanding any other provision of law that may otherwise apply. A project constitutes a "port authority facility" within the meaning of division (D) of section 4582.01 and division (E) of section 4582.21 of the Revised Code and shall be considered a permanent improvement for one purpose under Chapter 133. of the Revised Code. 3835  
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(D) Notwithstanding any other provision of law, and after deducting the real and actual costs of administering an existing lodging tax and any portion of such tax required to be returned to 3850  
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any municipal corporation or township as provided in division 3853  
(A)(1) of section 5739.09 of the Revised Code, the board of county 3854  
commissioners of an eligible county and a bureau may agree to make 3855  
available, and a cooperating party or other person may use, 3856  
proceeds of an existing lodging tax for the funding or payment of 3857  
project costs, including, without limitation, the payment of debt 3858  
charges on obligations. Either the board or the bureau, or both, 3859  
may pledge proceeds of an existing lodging tax to the payment of 3860  
debt charges on obligations. The total amount of existing lodging 3861  
tax proceeds made available for such use or so pledged each year 3862  
shall not exceed five hundred thousand dollars. The lien of any 3863  
such pledge shall be effective against all persons when it is 3864  
made, without the requirement for the filing of any notice, and 3865  
any proceeds of an existing lodging tax so pledged and required to 3866  
be used to pay debt charges on obligations shall be paid by the 3867  
county or bureau at the times, in the amounts, and to such payee, 3868  
including, without limitation, a corporate trustee or paying 3869  
agent, required for such obligations. The board of county 3870  
commissioners may amend any previously adopted resolution 3871  
providing for the levy of an existing lodging tax to permit the 3872  
use of the proceeds of the existing lodging tax as provided in 3873  
this division. 3874

(E) A board of county commissioners shall not repeal, 3875  
rescind, or reduce the levy of an existing lodging tax to the 3876  
extent its proceeds are pledged to the payment of debt charges on 3877  
obligations, and any such lodging tax shall not be subject to 3878  
repeal, rescission, or reduction by initiative, referendum, or 3879  
subsequent enactment of legislation by the general assembly, so 3880  
long as there remain outstanding any obligations as to which the 3881  
payment of debt charges is secured by a pledge of the existing 3882  
lodging tax. 3883

(F) A pledge of the proceeds of an existing lodging tax under 3884

division (D) of this section shall not constitute indebtedness of 3885  
the eligible county for the purposes of Chapter 133. of the 3886  
Revised Code. 3887

(G) The authority provided by this section is supplemental 3888  
to, and is not intended to limit in any way, any legal authority 3889  
that a cooperating party may have under any other provision of 3890  
law. 3891

**Sec. 307.699.** (A) As used in this section: 3892

(1) "Sports facility" has the same meaning as in section 3893  
307.696 of the Revised Code. 3894

(2) "Residual cash" has the same meaning as in division 3895  
(B)(5) of section 5709.081 of the Revised Code. 3896

(B) Any political subdivision or subdivisions or any 3897  
corporation that owns a sports facility that is both constructed 3898  
under section 307.696 of the Revised Code and includes property 3899  
exempt from taxation under division (B) of section 5709.081 of the 3900  
Revised Code, shall make an annual service payment in lieu of 3901  
taxes on the exempt property for each tax year beginning with the 3902  
first tax year in which the facility or part thereof is used by a 3903  
major league professional athletic team for its home schedule. The 3904  
amount of the service payment for a tax year shall be determined 3905  
by the county auditor under division (D) of this section. 3906

(C) On or before the first day of September each year, the 3907  
owner of property to which this section applies shall file both of 3908  
the following with the county auditor: 3909

(1) A return in the same form as under section 5711.02 of the 3910  
Revised Code listing all its exempt tangible personal property as 3911  
of the first day of August of that year; 3912

(2) An audited financial statement certified by the owner and 3913  
reflecting the actual receipts, revenue, expenses, expenditures, 3914

net income, and residual cash derived from the property during the 3915  
most recently ended calendar year. 3916

For the purposes of this section, the county auditor shall 3917  
determine the true value of the real and tangible personal 3918  
property owned by the political subdivision or subdivisions or the 3919  
corporation and included in the sports facility, including the 3920  
taxable portion thereof, by capitalizing at an appropriate rate 3921  
the net income of the owner derived from that property. The 3922  
auditor shall use the net income as certified in the owner's 3923  
financial statement, unless ~~he~~ the auditor determines that the 3924  
amount so certified is inaccurate, in which event ~~he~~ the auditor 3925  
shall determine the accurate amount of net income to be 3926  
capitalized. The county auditor shall compute net income before 3927  
debt service, and shall not include any revenue from county taxes 3928  
as defined in division (A)(1) of section 307.696 of the Revised 3929  
Code. The true value so determined shall be allocated between real 3930  
and tangible personal property and assessed for the purposes of 3931  
this section at the appropriate percentages provided by law for 3932  
determining taxable values. 3933

Using information reported or determined under this division, 3934  
the county auditor shall determine the amount of putative taxes 3935  
for the property for that tax year. As used in this section, 3936  
"putative taxes" means the greater of one million dollars or the 3937  
amount of property taxes that would have been charged and payable 3938  
if all the real and tangible personal property owned by the 3939  
political subdivision or subdivisions or the corporation and 3940  
included in the sports facility was subject to taxation. 3941

(D) On or before the date that is sixty days before the date 3942  
that the first payment of real property taxes are due without 3943  
penalty under Chapter 323. of the Revised Code each tax year, the 3944  
county auditor shall determine the amount of service payments for 3945  
that tax year for property to which this section applies in the 3946



following manner: 3947

(1) The county auditor shall deduct from the amount of 3948  
putative taxes under division (C) of this section any taxes 3949  
assessed against the taxable portion of the sports facility owned 3950  
by any of the entities in division (B)(1) of section 5709.081 of 3951  
the Revised Code, any amounts paid by a municipal corporation 3952  
under section 5709.082 of the Revised Code as a result of the 3953  
exempt property, and any amounts available in the construction 3954  
payments account established under division (G)(1) of this section 3955  
as are required to make the total deductions under this division 3956  
equal to one million dollars. 3957

(2) The county auditor shall fix the amount of the service 3958  
payments for a tax year at the amount of the putative taxes minus 3959  
deductions under division (D)(1) of this section. However, any 3960  
amount of service payments required because the putative taxes 3961  
exceed one million dollars shall not exceed the amount of residual 3962  
cash of the owner of the exempt property as reported in division 3963  
(C) of this section that would otherwise accrue to the political 3964  
subdivision or subdivisions pursuant to division (B)(5) of section 3965  
5709.081 of the Revised Code if no service payments were imposed 3966  
under this section. 3967

(3) If the exempt property is an improvement under division 3968  
(C)(2) of section 5709.081 of the Revised Code, the county auditor 3969  
shall determine the percentage which such improvement constitutes 3970  
of the total sports facility and shall substitute for the 3971  
one-million-dollar amount, wherever it appears in this section, an 3972  
amount equal to such percentage multiplied by one million dollars. 3973  
The percentage shall be determined by dividing the reproduction 3974  
cost new of the improvement by the reproduction cost new of the 3975  
total sports facility including the improvement, owned by any of 3976  
the entities under division (B)(1) of section 5709.081 of the 3977  
Revised Code. 3978

(E) On or before the date that is sixty days before the date 3979  
that the first payment of real property taxes are due without 3980  
penalty under Chapter 323. of the Revised Code each tax year, the 3981  
county auditor shall certify and send notice by certified mail to 3982  
the owner of the property of the amount and the calculation of the 3983  
service payments charged that tax year, including the separate 3984  
valuations determined for the real and tangible personal property, 3985  
the capitalization rate used, the separate deductions allowed 3986  
under division (D) of this section, and any claimed inaccuracies 3987  
in net income determined under division (C) of this section. 3988

The service payments for a tax year shall be charged and 3989  
collected in the same manner as real property taxes for that tax 3990  
year. Revenue collected as service payments shall be distributed 3991  
to the taxing districts that would have received property tax 3992  
revenue from the exempt property if it was not exempt, for the tax 3993  
year for which the payments are made, in the same proportions as 3994  
property taxes are distributed. However, if the sum of the 3995  
deductions allowed under division (D) of this section and the 3996  
service payments exceeds one million dollars, any service payments 3997  
in excess of one million dollars shall first be paid to the 3998  
municipal corporation to reimburse it for the payments made under 3999  
section 5709.082 of the Revised Code from the inception of such 4000  
payments. Any such payments to the municipal corporation shall be 4001  
deducted from the municipal payments account established under 4002  
division (G)(2) of this section. 4003

(F) The owner of property exempt from taxation under section 4004  
5709.081 of the Revised Code or persons and political subdivisions 4005  
entitled to file complaints or counterclaims to complaints under 4006  
section 5715.19 of the Revised Code may appeal the determination 4007  
of the annual service payments required by this section to the 4008  
board of revision in the county in which the exempt property is 4009  
located within the time period for filing complaints under section 4010

5715.19 of the Revised Code. The appeal shall be taken by filing a 4011  
complaint with that board which need not be on the form prescribed 4012  
for other complaints filed under section 5715.19 of the Revised 4013  
Code but which shall include an identification of the exempt 4014  
property, a copy of the auditor's certification to the owner, a 4015  
calculation of the service payments claimed to be correct and a 4016  
statement of the errors in the auditor's determination. Upon 4017  
receipt of such complaint, the board of revision shall notify the 4018  
county auditor of the county in which the exempt property is 4019  
located, who shall, within thirty days of such notice, certify to 4020  
the board of revision a transcript of the record of the 4021  
proceedings of the county auditor pertaining to the determination 4022  
of the annual service payments. Any complaint filed under this 4023  
section shall be regarded as a complaint for the purposes of 4024  
divisions (B), (C), (E), (F), (G), and (H) of section 5715.19 of 4025  
the Revised Code. The board of revision shall order the hearing of 4026  
evidence and shall determine the amount of service payments due 4027  
and payable pursuant to this section. 4028

(G) The county auditor of the county in which the exempt 4029  
property is located shall establish the following two accounts: 4030

(1) A construction payments account to which shall be posted 4031  
all payments made by a municipal corporation pursuant to section 4032  
5709.082 of the Revised Code on account of such property derived 4033  
from persons employed at the site of the sports facility in the 4034  
construction of the facility. Deductions shall be made from such 4035  
account as provided in division (D) of this section until the 4036  
amounts so posted are exhausted. 4037

(2) A municipal payments reimbursement account to which shall 4038  
be posted all payments made by a municipal corporation pursuant to 4039  
section 5709.082 of the Revised Code on account of such property 4040  
including those posted under division (G)(1) of this section. 4041  
Deductions shall be made from the municipal payments reimbursement 4042

account for reimbursements to the municipal corporation made under 4043  
division (E) of this section until the amounts posted are 4044  
exhausted. 4045

Sec. 307.6910. (A) A new nonprofit corporation shall be 4046  
organized under the laws of this state for the purpose of 4047  
operating a veterans memorial and museum to be located within the 4048  
city of Columbus at the site described in division (B) of this 4049  
section. The veterans memorial and museum shall be designated in 4050  
the articles of incorporation and state law as the "Ohio Veterans 4051  
Memorial and Museum." 4052

(B) The site of the Ohio Veterans Memorial and Museum, shall 4053  
be constructed on the following parcel of real property owned in 4054  
fee simple by the board of county commissioners of Franklin 4055  
county: 4056

That property located at 300 West Broad Street, Columbus, 4057  
Ohio, generally lying north of Broad Street, south of the 4058  
right-of-way line of Norfolk and Southern Railway, west of the 4059  
Scioto River and its floodwall, and east of the east line of Belle 4060  
Street if the same extended north of Broad Street to the railroad 4061  
right-of-way. 4062

(C) The bylaws of the new nonprofit corporation shall provide 4063  
for the board of directors to consist of fifteen members. The 4064  
appointments to the board of directors shall be made in accordance 4065  
with the articles of incorporation and bylaws of the nonprofit 4066  
corporation. All appointments to the board of directors shall 4067  
satisfy any qualifications set forth in the nonprofit 4068  
corporation's bylaws. A majority of the members of the board of 4069  
directors appointed by each appointing entity shall be veterans of 4070  
the armed forces of the United States. The appointments shall be 4071  
made as follows: 4072

(1) The board of county commissioners of Franklin county 4073

shall appoint five members. 4074

(2) The governor shall appoint three members. 4075

(3) The speaker of the house of representatives and the president of the senate each shall appoint one member. 4076  
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(4) The articles of incorporation shall provide for the remaining appointments, not to exceed five, the majority of whom shall be veterans of the armed forces of the United States. 4078  
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(D) All meetings and records of the new nonprofit corporation shall be conducted and maintained in accordance with the sunshine laws of this state, including, but not limited to, sections 121.22 and 149.43 of the Revised Code. 4081  
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(E) The board of county commissioners of Franklin county may lease the site described in division (B) of this section together with any adjacent property, without engaging in competitive bidding, to an Ohio nonprofit corporation for the construction, development, and operation of the Ohio Veterans Memorial and Museum. A board of county commissioners may appropriate funds to either the nonprofit corporation established as provided in this section or the nonprofit corporation with which the county has leased the property for permanent improvements and operating expenses of the Ohio Veterans Memorial and Museum. 4085  
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Sec. 307.863. (A) Notwithstanding section 307.86 of the Revised Code, a board of county commissioners that awards a franchise to a franchisee on behalf of a county transit board pursuant to section 306.04 of the Revised Code to operate a public transit system shall award the franchise through competitive bidding as prescribed in this section. The board shall solicit bids that are not sealed, and shall ensure that all bids the board receives are open for public inspection. The board shall consider all bids that are timely received. 4095  
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(B) The fact that a bid proposes to be the most beneficial to the county monetarily in and of itself does not confer best bid status on that bid. 4104  
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(C) In awarding a franchise to a bidder to operate a public transit system, the board may consider all of the following: 4107  
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(1) The proposed monetary benefit to the county; 4109

(2) The bidder's ownership of, or access to, transportation facilities or transportation equipment such as vehicles, automated transit systems, or any other applicable equipment; 4110  
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(3) The bidder's experience in operating public transit systems; 4113  
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(4) If the bidder has experience in operating public transit systems, the record of the bidder in relation to all aspects of operating a public transit system, including cost savings to a political subdivision, gains in efficiency, the safety and security of the traveling public and employees, service to the traveling public, return on any investments made by a political subdivision, and any other aspects the board includes for consideration. 4115  
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**Sec. 307.982.** (A) To the extent permitted by federal law, including subpart F of 5 C.F.R. part 900, and subject to any limitations established by the Revised Code, including division (B) of this section, a board of county commissioners may enter into a written contract with a private or government entity, including a public or private college or university, for the entity to perform a family services duty or workforce development activity on behalf of a county family services agency or workforce development agency. The entity with which a board contracts is not required to be located in the county the board serves. 4123  
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A family services duty or workforce development activity 4133

includes transportation services provided by a county transit board. A board of county commissioners may delegate to a county transit board the authority to solicit bids and award and execute contracts for such transportation services on behalf of the board of county commissioners. 4134  
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(B) A board of county commissioners may not enter into a contract under division (A) of this section regarding a family services duty of a public children services agency if a county children services board appointed under section 5153.03 of the Revised Code serves as the public children services agency for the county. The county children services board may enter into contracts regarding its duties in accordance with division (C)(2) of section 5153.16 of the Revised Code. 4139  
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**Sec. 340.01.** (A) As used in this chapter, ~~"addiction,"~~ 4147

(1) "Addiction," "addiction services," "alcohol and drug addiction services," "community addiction services provider," "community mental health services provider," "drug addiction," "gambling addiction services," "mental health services," and "mental illness" have the same meanings as in section 5119.01 of the Revised Code. 4148  
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(2) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of drug addiction, prevention of relapse of drug addiction, or both. 4154  
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(3) "Recovery housing" means housing for individuals recovering from drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining drug addiction services, and other drug addiction recovery assistance. 4159  
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(B) An alcohol, drug addiction, and mental health service 4164  
district shall be established in any county or combination of 4165  
counties having a population of at least fifty thousand to provide 4166  
addiction services and mental health services. With the approval 4167  
of the director of mental health and addiction services, any 4168  
county or combination of counties having a population of less than 4169  
fifty thousand may establish such a district. Districts comprising 4170  
more than one county shall be known as joint-county districts. 4171

The board of county commissioners of any county participating 4172  
in a joint-county district may submit a resolution requesting 4173  
withdrawal from the district together with a comprehensive plan or 4174  
plans that are in compliance with rules adopted by the director of 4175  
mental health and addiction services under section 5119.22 of the 4176  
Revised Code, and that provide for the equitable adjustment and 4177  
division of all services, assets, property, debts, and 4178  
obligations, if any, of the joint-county district to the board of 4179  
alcohol, drug addiction, and mental health services, to the boards 4180  
of county commissioners of each county in the district, and to the 4181  
~~directors~~ director. No county participating in a joint-county 4182  
service district may withdraw from the district without the 4183  
consent of the director of mental health and addiction services 4184  
nor earlier than one year after the submission of such resolution 4185  
unless all of the participating counties agree to an earlier 4186  
withdrawal. Any county withdrawing from a joint-county district 4187  
shall continue to have levied against its tax list and duplicate 4188  
any tax levied by the district during the period in which the 4189  
county was a member of the district until such time as the levy 4190  
expires or is renewed or replaced. 4191

**Sec. 340.02.** (A) For each alcohol, drug addiction, and mental 4192  
health service district, there shall be appointed a board of 4193  
alcohol, drug addiction, and mental health services consisting of 4194  
eighteen members or fourteen members. Should the board of alcohol, 4195



drug addiction, and mental health services elect to remain at 4196  
eighteen members, as provided under section 340.02 of the Revised 4197  
Code as it existed immediately prior to the date of this 4198  
amendment, the board of alcohol, drug addiction, and mental health 4199  
services and the board of county commissioners shall not be 4200  
required to take any action. Should the board of alcohol, drug 4201  
addiction, and mental health services elect a recommendation to 4202  
become a fourteen-member board, that recommendation must be 4203  
approved by the board of county commissioners of the county in 4204  
which the alcohol, drug addiction, and mental health district is 4205  
located in order for the transition to a fourteen-member board to 4206  
occur. Not later than September 30, 2013, each board of alcohol, 4207  
drug addiction, and mental health services wishing to become a 4208  
fourteen-member board shall notify the board of county 4209  
commissioners of that recommendation. Failure of the board of 4210  
county commissioners to take action within thirty days after 4211  
receipt of the recommendation shall be deemed agreement by the 4212  
board of county commissioners to transition to a fourteen-member 4213  
board of alcohol, drug addiction, and mental health services. 4214  
Should the board of county commissioners reject the 4215  
recommendation, the board of county commissioners shall adopt a 4216  
resolution stating that rejection within thirty days after receipt 4217  
of the recommendation. Upon adoption of the resolution, the board 4218  
of county commissioners shall meet with the board of alcohol, drug 4219  
addiction, and mental health services to discuss the matter. After 4220  
the meeting, the board of county commissioners shall notify the 4221  
department of mental health and addiction services of its election 4222  
not later than January 1, 2014. In a joint-county district, a 4223  
majority of the boards of county commissioners must not reject the 4224  
recommendation of a joint-county board to become a fourteen-member 4225  
board in order for the transition to a fourteen-member board to 4226  
occur. Should the joint-county district have an even number of 4227  
counties, and the boards of county commissioners of these counties 4228

tie in terms of whether or not to accept the recommendation of the 4229  
alcohol, drug addiction, and mental health services board, the 4230  
recommendation of the alcohol, drug addiction, and mental health 4231  
service board to become a fourteen-member board shall prevail. The 4232  
election shall be final. Failure to provide notice of its election 4233  
to the department on or before January 1, 2014, shall constitute 4234  
an election to continue to operate as an eighteen-member board, 4235  
which election shall also be final. If an existing board provides 4236  
timely notice of its election to transition to operate as a 4237  
fourteen-member board, the number of board members may decline 4238  
from eighteen to fourteen by attrition as current members' terms 4239  
expire. However, the composition of the board must reflect the 4240  
requirements set forth in this section for fourteen-member boards. 4241  
For all boards, half of the members shall be interested in mental 4242  
health services and half of the members shall be interested in 4243  
alcohol, drug, or gambling addiction services. All members shall 4244  
be residents of the service district. The membership shall, as 4245  
nearly as possible, reflect the composition of the population of 4246  
the service district as to race and sex. 4247

(B) For boards operating as eighteen-member boards, the 4248  
director of mental health and addiction services shall appoint 4249  
eight members of the board and the board of county commissioners 4250  
shall appoint ten members. For boards operating as fourteen-member 4251  
boards, the director of mental health and addiction services shall 4252  
appoint six members of the board and the board of county 4253  
commissioners shall appoint eight members. In a joint-county 4254  
district, the county commissioners of each participating county 4255  
shall appoint members in as nearly as possible the same proportion 4256  
as that county's population bears to the total population of the 4257  
district, except that at least one member shall be appointed from 4258  
each participating county. 4259

(C) The director of mental health and addiction services 4260

shall ensure that at least one member of the board is a clinician 4261  
with experience in the delivery of mental health services, at 4262  
least one member of the board is a person who has received or is 4263  
receiving mental health services ~~paid for by public funds~~, at 4264  
least one member of the board is a parent or other relative of 4265  
such a person, at least one member of the board is a clinician 4266  
with experience in the delivery of addiction services, at least 4267  
one member of the board is a person who has received or is 4268  
receiving addiction services ~~paid for by public funds~~, and at 4269  
least one member of the board is a parent or other relative of 4270  
such a person. A single member who meets both qualifications may 4271  
fulfill the requirement for a clinician with experience in the 4272  
delivery of mental health services and a clinician with experience 4273  
in the delivery of addiction services. 4274

(D) No member or employee of a board of alcohol, drug 4275  
addiction, and mental health services shall serve as a member of 4276  
the board of any provider with which the board of alcohol, drug 4277  
addiction, and mental health services has entered into a contract 4278  
for the provision of services or facilities. No member of a board 4279  
of alcohol, drug addiction, and mental health services shall be an 4280  
employee of any provider with which the board has entered into a 4281  
contract for the provision of services or facilities. No person 4282  
shall be an employee of a board and such a provider unless the 4283  
board and provider both agree in writing. 4284

(E) No person shall serve as a member of the board of 4285  
alcohol, drug addiction, and mental health services whose spouse, 4286  
child, parent, brother, sister, grandchild, stepparent, stepchild, 4287  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4288  
daughter-in-law, brother-in-law, or sister-in-law serves as a 4289  
member of the board of any provider with which the board of 4290  
alcohol, drug addiction, and mental health services has entered 4291  
into a contract for the provision of services or facilities. No 4292

person shall serve as a member or employee of the board whose 4293  
spouse, child, parent, brother, sister, stepparent, stepchild, 4294  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4295  
daughter-in-law, brother-in-law, or sister-in-law serves as a 4296  
county commissioner of a county or counties in the alcohol, drug 4297  
addiction, and mental health service district. 4298

(F) Each year each board member shall attend at least one 4299  
inservice training session provided or approved by the department 4300  
of mental health and addiction services. 4301

(G) For boards operating as eighteen-member boards, each 4302  
member shall be appointed for a term of four years, commencing the 4303  
first day of July, except that one-third of initial appointments 4304  
to a newly established board, and to the extent possible to 4305  
expanded boards, shall be for terms of two years, one-third of 4306  
initial appointments shall be for terms of three years, and 4307  
one-third of initial appointments shall be for terms of four 4308  
years. For boards operating as fourteen-member boards, each member 4309  
shall be appointed for a term of four years, commencing the first 4310  
day of July, except that four of the initial appointments to a 4311  
newly established board, and to the extent possible to expanded 4312  
boards, shall be for terms of two years, five initial appointments 4313  
shall be for terms of three years, and five initial appointments 4314  
shall be for terms of four years. No member shall serve more than 4315  
two consecutive four-year terms under the same appointing 4316  
authority. A member may serve for three consecutive terms under 4317  
the same appointing authority only if one of the terms is for less 4318  
than two years. A member who has served two consecutive four-year 4319  
terms or three consecutive terms totaling less than ten years is 4320  
eligible for reappointment by the same appointing authority one 4321  
year following the end of the second or third term, respectively. 4322

When a vacancy occurs, appointment for the expired or 4323  
unexpired term shall be made in the same manner as an original 4324

appointment. The appointing authority shall be notified by 4325  
certified mail of any vacancy and shall fill the vacancy within 4326  
sixty days following that notice. 4327

Any member of the board may be removed from office by the 4328  
appointing authority for neglect of duty, misconduct, or 4329  
malfeasance in office, and shall be removed by the appointing 4330  
authority if the member is barred by this section from serving as 4331  
a board member. The member shall be informed in writing of the 4332  
charges and afforded an opportunity for a hearing. Upon the 4333  
absence of a member within one year from either four board 4334  
meetings or from two board meetings without prior notice, the 4335  
board shall notify the appointing authority, which may vacate the 4336  
appointment and appoint another person to complete the member's 4337  
term. 4338

Members of the board shall serve without compensation, but 4339  
shall be reimbursed for actual and necessary expenses incurred in 4340  
the performance of their official duties, as defined by rules of 4341  
the department of mental health and addiction services. 4342

**Sec. 340.021.** (A) In an alcohol, drug addiction, and mental 4343  
health service district where the board of county commissioners 4344  
has established an alcohol and drug addiction services board, the 4345  
community mental health board established under former section 4346  
340.02 of the Revised Code shall serve as the entity responsible 4347  
for providing mental health services in the county. A community 4348  
mental health board has all the powers, duties, and obligations of 4349  
a board of alcohol, drug addiction, and mental health services 4350  
with regard to mental health services. An alcohol and drug 4351  
addiction services board has all the powers, duties, and 4352  
obligations of a board of alcohol, drug addiction, and mental 4353  
health services with regard to addiction services. Any provision 4354  
of the Revised Code that refers to a board of alcohol, drug 4355

addiction, and mental health services with regard to mental health 4356  
services also refers to a community mental health board and any 4357  
provision that refers to a board of alcohol, drug addiction, and 4358  
mental health services with regard to alcohol and drug addiction 4359  
services also refers to an alcohol and drug addiction services 4360  
board. 4361

An alcohol and drug addiction services board shall consist of 4362  
eighteen members or fourteen members, at the election of the 4363  
board. Not later than January 1, 2014, each alcohol and drug 4364  
addiction services board shall notify the department of mental 4365  
health and addiction services of its election to operate as an 4366  
eighteen-member board or to operate as a fourteen-member board. 4367  
The election shall be final. Failure to provide notice of its 4368  
election to the department on or before January 1, 2014, shall 4369  
constitute an election to continue to operate as an 4370  
eighteen-member board. If an existing board provides timely notice 4371  
of its election to operate as a fourteen-member board, the number 4372  
of board members may decline from eighteen to fourteen by 4373  
attrition as current members' terms expire. However, the 4374  
composition of the board must reflect the requirements set forth 4375  
in this section and in applicable provisions of section 340.02 of 4376  
the Revised Code for fourteen-member boards. For boards operating 4377  
as eighteen-member boards, six members shall be appointed by the 4378  
director of mental health and addiction services and twelve 4379  
members shall be appointed by the board of county commissioners. 4380  
The director of mental health and addiction services shall ensure 4381  
that at least one member of the board is a person who has received 4382  
or is receiving services for alcohol, drug, or gambling addiction 4383  
~~paid for with public funds~~, at least one member is a parent or 4384  
relative of such a person, and at least one member is a clinician 4385  
with experience in the delivery of addiction services. The 4386  
membership of the board shall, as nearly as possible, reflect the 4387  
composition of the population of the service district as to race 4388

and sex. Members shall be residents of the service district and 4389  
shall be interested in alcohol, drug, or gambling addiction 4390  
services. Requirements for membership, including prohibitions 4391  
against certain family and business relationships, and terms of 4392  
office shall be the same as those for members of boards of 4393  
alcohol, drug addiction, and mental health services. 4394

A community mental health board shall consist of eighteen 4395  
members or fourteen members, at the election of the board. Not 4396  
later than January 1, 2014, each community mental health board 4397  
shall notify the department of mental health and addiction 4398  
services of its election to operate as an eighteen-member board or 4399  
to operate as a fourteen-member board. The election shall be 4400  
final. Failure to provide notice of its election to the department 4401  
on or before January 1, 2014, shall constitute an election to 4402  
continue to operate as an eighteen-member board. If an existing 4403  
board provides timely notice of its election to operate as a 4404  
fourteen-member board, the number of board members may decline 4405  
from eighteen to fourteen by attrition as current members' terms 4406  
expire. However, the composition of the board must reflect the 4407  
requirements set forth in this section and in applicable 4408  
provisions of section 340.02 of the Revised Code for 4409  
fourteen-member boards. For boards operating as eighteen-member 4410  
boards, six members shall be appointed by the director of mental 4411  
health and addiction services and twelve members shall be 4412  
appointed by the board of county commissioners. The director of 4413  
mental health and addiction services shall ensure that at least 4414  
one member of the board is a person who has received or is 4415  
receiving mental health services ~~paid for with public funds~~, at 4416  
least one member is a parent or relative of such a person, and at 4417  
least one member is a clinician with experience in the delivery of 4418  
mental health services. The membership of the board as nearly as 4419  
possible shall reflect the composition of the population of the 4420  
service district as to race and sex. Members shall be residents of 4421

the service district and shall be interested in mental health 4422  
services. Requirements for membership, including prohibitions 4423  
against certain family and business relationships, and terms of 4424  
office shall be the same as those for members of boards of 4425  
alcohol, drug addiction, and mental health services. 4426

(B)(1) If a board of county commissioners subject to division 4427  
(A) of this section did not adopt a final resolution providing for 4428  
a board of alcohol, drug addiction, and mental health services on 4429  
or before July 1, 2007, the board of county commissioners may 4430  
establish a board of alcohol, drug addiction, and mental health 4431  
services on or after ~~the effective date of this amendment~~ 4432  
September 23, 2008. To establish the board, the board of county 4433  
commissioners shall adopt a resolution providing for the board's 4434  
establishment. The composition of the board, the procedures for 4435  
appointing members, and all other matters related to the board and 4436  
its members are subject to section 340.02 of the Revised Code, 4437  
with the following exceptions: 4438

(a) For initial appointments to the board, the county's 4439  
community mental health board and alcohol and drug addiction 4440  
services board shall jointly recommend members of those boards for 4441  
reappointment and shall submit the recommendations to the board of 4442  
county commissioners and the director of mental health and 4443  
addiction services. 4444

(b) To the greatest extent possible, the appointing 4445  
authorities shall appoint the initial members from among the 4446  
members jointly recommended under division (B)(1)(a) of this 4447  
section. 4448

(2) If a board of alcohol, drug addiction, and mental health 4449  
services is established pursuant to division (B)(1) of this 4450  
section, the board has the same rights, privileges, immunities, 4451  
powers, and duties that were possessed by the county's community 4452  
mental health board and alcohol and drug addiction services board. 4453



When the board is established, all property and obligations of the 4454  
community mental health board and alcohol and drug addiction 4455  
services board shall be transferred to the board of alcohol, drug 4456  
addiction, and mental health services. 4457

**Sec. 340.03.** (A) Subject to rules issued by the director of 4458  
mental health and addiction services after consultation with 4459  
relevant constituencies as required by division (A)(10) of section 4460  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 4461  
and mental health services shall: 4462

(1) Serve as the community addiction and mental health 4463  
services planning agency for the county or counties under its 4464  
jurisdiction, and in so doing it shall: 4465

(a) Evaluate the need for facilities and community addiction 4466  
and mental health services; 4467

(b) In cooperation with other local and regional planning and 4468  
funding bodies and with relevant ethnic organizations, assess the 4469  
community addiction and mental health needs, evaluate strengths 4470  
and challenges, and set priorities for community addiction and 4471  
mental health services, including treatment and prevention. When 4472  
the board sets priorities for the operation of addiction services, 4473  
the board shall consult with the county commissioners of the 4474  
counties in the board's service district regarding the services 4475  
described in section 340.15 of the Revised Code and shall give 4476  
priority to those services, except that those services shall not 4477  
have a priority over services provided to pregnant women under 4478  
programs developed in relation to the mandate established in 4479  
section 5119.17 of the Revised Code; 4480

(c) In accordance with guidelines issued by the director of 4481  
mental health and addiction services after consultation with board 4482  
representatives, annually develop and submit to the department of 4483  
mental health and addiction services a community addiction and 4484

mental health services plan listing community addiction and mental 4485  
health services needs, including the needs of all residents of the 4486  
district currently receiving inpatient services in state-operated 4487  
hospitals, the needs of other populations as required by state or 4488  
federal law or programs, the needs of all children subject to a 4489  
determination made pursuant to section 121.38 of the Revised Code, 4490  
and priorities for facilities and community addiction and mental 4491  
health services during the period for which the plan will be in 4492  
effect. 4493

In alcohol, drug addiction, and mental health service 4494  
districts that have separate alcohol and drug addiction services 4495  
and community mental health boards, the alcohol and drug addiction 4496  
services board shall submit a community addiction services plan 4497  
and the community mental health board shall submit a community 4498  
mental health services plan. Each board shall consult with its 4499  
counterpart in developing its plan and address the interaction 4500  
between the local addiction services and mental health services 4501  
systems and populations with regard to needs and priorities in 4502  
developing its plan. 4503

The department shall approve or disapprove the plan, in whole 4504  
or in part, according to the criteria developed pursuant to 4505  
section 5119.22 of the Revised Code. Eligibility for state and 4506  
federal funding shall be contingent upon an approved plan or 4507  
relevant part of a plan. 4508

If a board determines that it is necessary to amend a plan 4509  
that has been approved under this division, the board shall submit 4510  
a proposed amendment to the director. The director may approve or 4511  
disapprove all or part of the amendment. The director shall inform 4512  
the board of the reasons for disapproval of all or part of an 4513  
amendment and of the criteria that must be met before the 4514  
amendment may be approved. The director shall provide the board an 4515  
opportunity to present its case on behalf of the amendment. The 4516

director shall give the board a reasonable time in which to meet 4517  
the criteria, and shall offer the board technical assistance to 4518  
help it meet the criteria. 4519

The board shall operate in accordance with the plan approved 4520  
by the department. 4521

(d) Promote, arrange, and implement working agreements with 4522  
social agencies, both public and private, and with judicial 4523  
agencies. 4524

(2) Investigate, or request another agency to investigate, 4525  
any complaint alleging abuse or neglect of any person receiving 4526  
services from a community addiction or mental health services 4527  
provider certified under section 5119.36 of the Revised Code or 4528  
alleging abuse or neglect of a resident receiving addiction 4529  
services or with mental illness or severe mental disability 4530  
residing in a residential facility licensed under section 5119.34 4531  
of the Revised Code. If the investigation substantiates the charge 4532  
of abuse or neglect, the board shall take whatever action it 4533  
determines is necessary to correct the situation, including 4534  
notification of the appropriate authorities. Upon request, the 4535  
board shall provide information about such investigations to the 4536  
department. 4537

(3) For the purpose of section 5119.36 of the Revised Code, 4538  
cooperate with the director of mental health and addiction 4539  
services in visiting and evaluating whether the services of a 4540  
community addiction or mental health services provider satisfy the 4541  
certification standards established by rules adopted under that 4542  
section; 4543

(4) In accordance with criteria established under division 4544  
(E) of section 5119.22 of the Revised Code, conduct program audits 4545  
that review and evaluate the quality, effectiveness, and 4546  
efficiency of services provided through its community addiction 4547

and mental health contracted services and submit its findings and 4548  
recommendations to the department of mental health and addiction 4549  
services; 4550

(5) In accordance with section 5119.34 of the Revised Code, 4551  
review an application for a residential facility license and 4552  
provide to the department of mental health and addiction services 4553  
any information about the applicant or facility that the board 4554  
would like the department to consider in reviewing the 4555  
application; 4556

(6) Audit, in accordance with rules adopted by the auditor of 4557  
state pursuant to section 117.20 of the Revised Code, at least 4558  
annually all programs and services provided under contract with 4559  
the board. In so doing, the board may contract for or employ the 4560  
services of private auditors. A copy of the fiscal audit report 4561  
shall be provided to the director of mental health and addiction 4562  
services, the auditor of state, and the county auditor of each 4563  
county in the board's district. 4564

(7) Recruit and promote local financial support for addiction 4565  
and mental health services from private and public sources; 4566

(8)(a) Enter into contracts with public and private 4567  
facilities for the operation of facility services and enter into 4568  
contracts with public and private community addiction and mental 4569  
health service providers for the provision of community addiction 4570  
and mental health services. The board may not contract with a 4571  
residential facility subject to section 5119.34 of the Revised 4572  
Code unless the facility is licensed by the director of mental 4573  
health and addiction services and may not contract with a 4574  
community addiction or mental health services provider to provide 4575  
community addiction or mental health services unless the services 4576  
are certified by the director of mental health and addiction 4577  
services under section 5119.36 of the Revised Code. Section 307.86 4578  
of the Revised Code does not apply to contracts entered into under 4579

this division. In contracting with a community addiction or mental health services provider, a board shall consider the cost effectiveness of services provided by that provider and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process may be established as part of the contract for services entered into between a board and a community addiction or mental health services provider. The board may establish this process in a way that is most effective and efficient in meeting local needs.

If either the board or a facility or community addiction or mental health services provider with which the board contracts under this division proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health and addiction services of the unresolved dispute. The director may require both parties to submit the dispute to a third party with the cost to be shared by the board and the facility or provider. The third party shall issue to the board, the facility or provider, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health and addiction services, a board may operate a facility or provide

a community addiction or mental health service as follows, if 4612  
there is no other qualified private or public facility or 4613  
community addiction or mental health services provider that is 4614  
immediately available and willing to operate such a facility or 4615  
provide the service: 4616

(i) In an emergency situation, any board may operate a 4617  
facility or provide a community addiction or mental health service 4618  
in order to provide essential services for the duration of the 4619  
emergency; 4620

(ii) In a service district with a population of at least one 4621  
hundred thousand but less than five hundred thousand, a board may 4622  
operate a facility or provide a community addiction or mental 4623  
health service for no longer than one year; 4624

(iii) In a service district with a population of less than 4625  
one hundred thousand, a board may operate a facility or provide a 4626  
community addiction or mental health service for no longer than 4627  
one year, except that such a board may operate a facility or 4628  
provide a community addiction or mental health service for more 4629  
than one year with the prior approval of the director and the 4630  
prior approval of the board of county commissioners, or of a 4631  
majority of the boards of county commissioners if the district is 4632  
a joint-county district. 4633

The director shall not give a board approval to operate a 4634  
facility or provide a community addiction or mental health service 4635  
under division (A)(8)(b)(ii) or (iii) of this section unless the 4636  
director determines that it is not feasible to have the department 4637  
operate the facility or provide the service. 4638

The director shall not give a board approval to operate a 4639  
facility or provide a community addiction or mental health service 4640  
under division (A)(8)(b)(iii) of this section unless the director 4641  
determines that the board will provide greater administrative 4642

efficiency and more or better services than would be available if 4643  
the board contracted with a private or public facility or 4644  
community addiction or mental health services provider. 4645

The director shall not give a board approval to operate a 4646  
facility previously operated by a person or other government 4647  
entity unless the board has established to the director's 4648  
satisfaction that the person or other government entity cannot 4649  
effectively operate the facility or that the person or other 4650  
government entity has requested the board to take over operation 4651  
of the facility. The director shall not give a board approval to 4652  
provide a community addiction or mental health service previously 4653  
provided by a community addiction or mental health services 4654  
provider unless the board has established to the director's 4655  
satisfaction that the provider cannot effectively provide the 4656  
service or that the provider has requested the board take over 4657  
providing the service. 4658

The director shall review and evaluate a board's operation of 4659  
a facility and provision of community addiction or mental health 4660  
service under division (A)(8)(b) of this section. 4661

Nothing in division (A)(8)(b) of this section authorizes a 4662  
board to administer or direct the daily operation of any facility 4663  
or community addiction or mental health services provider, but a 4664  
facility or provider may contract with a board to receive 4665  
administrative services or staff direction from the board under 4666  
the direction of the governing body of the facility or provider. 4667

(9) Approve fee schedules and related charges or adopt a unit 4668  
cost schedule or other methods of payment for contract services 4669  
provided by community addiction or mental health services 4670  
providers in accordance with guidelines issued by the department 4671  
as necessary to comply with state and federal laws pertaining to 4672  
financial assistance; 4673

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the services under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction and a continuum of care, ~~which provides for other services that provide~~ for prevention, treatment, support, and rehabilitation services and opportunities. The essential elements of the full spectrum and continuum of care include, ~~but are not limited to,~~ the following components in accordance with section 5119.21 of the Revised Code:

(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;

(b) Assistance for persons receiving services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Addiction and mental health services, including, ~~but not limited to,~~ outpatient, residential, partial hospitalization, ~~and, where appropriate,~~ inpatient (where appropriate), and any other type of addiction and mental health care;

(d) Emergency services and crisis intervention;

(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;

(f) The provision of services designed to develop social, community, and personal living skills;

(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health



services, and others; 4704

(i) Recognition and encouragement of families, friends, 4705  
neighborhood networks, especially networks that include racial and 4706  
ethnic minorities, churches, community organizations, and 4707  
community employment as natural supports for persons receiving 4708  
addiction or mental health services; 4709

(j) Grievance procedures and protection of the rights of 4710  
persons receiving addiction or mental health services; 4711

(k) Community psychiatric supportive treatment services, 4712  
which includes continual individualized assistance and advocacy to 4713  
ensure that needed services are offered and procured; 4714

(l) Any additional component the department determines is 4715  
necessary to establish a full spectrum of care for all levels of 4716  
treatment services for opioid and co-occurring drug addiction and 4717  
a continuum of care for other services. 4718

(12) Establish a method for evaluating referrals for 4719  
involuntary commitment and affidavits filed pursuant to section 4720  
5122.11 of the Revised Code in order to assist the probate 4721  
division of the court of common pleas in determining whether there 4722  
is probable cause that a respondent is subject to involuntary 4723  
hospitalization and what alternative treatment is available and 4724  
appropriate, if any; 4725

(13) Designate the treatment services, provider, facility, or 4726  
other placement for each person involuntarily committed to the 4727  
board pursuant to Chapter 5122. of the Revised Code. The board 4728  
shall provide the least restrictive and most appropriate 4729  
alternative that is available for any person involuntarily 4730  
committed to it and shall assure that the listed services 4731  
submitted and approved in accordance with division (B) of section 4732  
340.08 of the Revised Code are available to severely mentally 4733  
disabled persons residing within its service district. The board 4734

shall establish the procedure for authorizing payment for 4735  
services, which may include prior authorization in appropriate 4736  
circumstances. The board may provide for services directly to a 4737  
severely mentally disabled person when life or safety is 4738  
endangered and when no community mental health services provider 4739  
is available to provide the service. 4740

(14) Ensure that apartments or rooms built, subsidized, 4741  
renovated, rented, owned, or leased by the board or a community 4742  
addiction or mental health services provider have been approved as 4743  
meeting minimum fire safety standards and that persons residing in 4744  
the rooms or apartments are receiving appropriate and necessary 4745  
services, including culturally relevant services, from a community 4746  
addiction or mental health services provider. This division does 4747  
not apply to residential facilities licensed pursuant to section 4748  
5119.34 of the Revised Code. 4749

(15) Establish a mechanism for obtaining advice and 4750  
involvement of persons receiving publicly funded addiction or 4751  
mental health services on matters pertaining to addiction and 4752  
mental health services in the alcohol, drug addiction, and mental 4753  
health service district; 4754

(16) Perform the duties required by rules adopted under 4755  
section 5119.22 of the Revised Code regarding referrals by the 4756  
board or mental health services providers under contract with the 4757  
board of individuals with mental illness or severe mental 4758  
disability to residential facilities as defined in division 4759  
(A)(9)(b)(iii) of section 5119.34 of the Revised Code and 4760  
effective arrangements for ongoing mental health services for the 4761  
individuals. The board is accountable in the manner specified in 4762  
the rules for ensuring that the ongoing mental health services are 4763  
effectively arranged for the individuals. 4764

(B) The board shall establish such rules, operating 4765  
procedures, standards, and bylaws, and perform such other duties 4766

as may be necessary or proper to carry out the purposes of this 4767  
chapter. 4768

(C) A board of alcohol, drug addiction, and mental health 4769  
services may receive by gift, grant, devise, or bequest any 4770  
moneys, lands, or property for the benefit of the purposes for 4771  
which the board is established, and may hold and apply it 4772  
according to the terms of the gift, grant, or bequest. All money 4773  
received, including accrued interest, by gift, grant, or bequest 4774  
shall be deposited in the treasury of the county, the treasurer of 4775  
which is custodian of the alcohol, drug addiction, and mental 4776  
health services funds to the credit of the board and shall be 4777  
available for use by the board for purposes stated by the donor or 4778  
grantor. 4779

(D) No board member or employee of a board of alcohol, drug 4780  
addiction, and mental health services shall be liable for injury 4781  
or damages caused by any action or inaction taken within the scope 4782  
of the board member's official duties or the employee's 4783  
employment, whether or not such action or inaction is expressly 4784  
authorized by this section or any other section of the Revised 4785  
Code, unless such action or inaction constitutes willful or wanton 4786  
misconduct. Chapter 2744. of the Revised Code applies to any 4787  
action or inaction by a board member or employee of a board taken 4788  
within the scope of the board member's official duties or 4789  
employee's employment. For the purposes of this division, the 4790  
conduct of a board member or employee shall not be considered 4791  
willful or wanton misconduct if the board member or employee acted 4792  
in good faith and in a manner that the board member or employee 4793  
reasonably believed was in or was not opposed to the best 4794  
interests of the board and, with respect to any criminal action or 4795  
proceeding, had no reasonable cause to believe the conduct was 4796  
unlawful. 4797

(E) The meetings held by any committee established by a board 4798

of alcohol, drug addiction, and mental health services shall be 4799  
considered to be meetings of a public body subject to section 4800  
121.22 of the Revised Code. 4801

**Sec. 340.08.** In accordance with rules or guidelines issued by 4802  
the director of mental health and addiction services, each board 4803  
of alcohol, drug addiction, and mental health services shall do 4804  
all of the following: 4805

(A) Submit to the department of mental health and addiction 4806  
services a report of receipts and expenditures for all federal, 4807  
state, and local moneys the board expects to receive~~+~~. 4808

(1) The report shall identify funds the board has available 4809  
for the full spectrum of care for all levels of treatment services 4810  
for opioid and co-occurring drug addiction required by division 4811  
(B) of section 340.09 of the Revised Code. 4812

(2) The report shall identify funds the board and public 4813  
children services agencies in the board's service district have 4814  
available to fund jointly the services described in section 340.15 4815  
of the Revised Code. 4816

~~(2)~~(3) The board's proposed budget for expenditures of state 4817  
and federal funds distributed to the board by the department shall 4818  
be deemed an application for funds, and the department shall 4819  
approve or disapprove the budget for these expenditures. The 4820  
department shall inform the board of the reasons for disapproval 4821  
of the budget for the expenditure of state and federal funds and 4822  
of the criteria that must be met before the budget may be 4823  
approved. The director shall provide the board an opportunity to 4824  
present its case on behalf of the submitted budget. The director 4825  
shall give the board a reasonable time in which to meet the 4826  
criteria and shall offer the board technical assistance to help it 4827  
meet the criteria. 4828

If a board determines that it is necessary to amend a budget 4829  
that has been approved under this section, the board shall submit 4830  
a proposed amendment to the director. The director may approve or 4831  
disapprove all or part of the amendment. The director shall inform 4832  
the board of the reasons for disapproval of all or part of the 4833  
amendment and of the criteria that must be met before the 4834  
amendment may be approved. The director shall provide the board an 4835  
opportunity to present its case on behalf of the amendment. The 4836  
director shall give the board a reasonable time in which to meet 4837  
the criteria and shall offer the board technical assistance to 4838  
help it meet the criteria. 4839

~~(3)~~(4) The director of mental health and addiction services, 4840  
in whole or in part, may withhold funds otherwise to be allocated 4841  
to a board of alcohol, drug addiction, and mental health services 4842  
under Chapter 5119. of the Revised Code if the board's use of 4843  
state and federal funds fails to comply with the approved budget, 4844  
as it may be amended with the approval of the department. However, 4845  
the director shall withhold all such funds from the board if the 4846  
board fails to make the full spectrum of care for all levels of 4847  
treatment services for opioid and co-occurring drug addiction 4848  
available in the board's district in accordance with division (B) 4849  
of section 340.09 of the Revised Code. 4850

(B) Submit to the department a statement identifying the 4851  
services described in section 340.09 of the Revised Code the board 4852  
intends to make available. The board shall include the full 4853  
spectrum of care for all levels of treatment services for opioid 4854  
and co-occurring drug addiction required by division (B) of 4855  
section 340.09 of the Revised Code, crisis intervention services 4856  
for individuals in emergency situations, and services required 4857  
pursuant to section 340.15 of the Revised Code, ~~and the.~~ The board 4858  
shall explain the manner in which the board intends to make such 4859  
services available. The list of services shall be compatible with 4860

the budget submitted pursuant to division (A) of this section. The 4861  
department shall approve or disapprove the proposed listing of 4862  
services to be made available. The department shall inform the 4863  
board of the reasons for disapproval of the listing of proposed 4864  
services and of the criteria that must be met before listing of 4865  
proposed services may be approved. The director shall provide the 4866  
board an opportunity to present its case on behalf of the 4867  
submitted listing of proposed services. The director shall give 4868  
the board a reasonable time in which to meet the criteria and 4869  
shall offer the board technical assistance to help it meet the 4870  
criteria. 4871

(C) Enter into a continuity of care agreement with the state 4872  
institution operated by the department of mental health and 4873  
addiction services and designated as the institution serving the 4874  
district encompassing the board's service district. The continuity 4875  
of care agreement shall outline the department's and the board's 4876  
responsibilities to plan for and coordinate with each other to 4877  
address the needs of board residents who are patients in the 4878  
institution, with an emphasis on managing appropriate hospital bed 4879  
day use and discharge planning. The continuity of care agreement 4880  
shall not require the board to provide services other than those 4881  
on the list of services submitted by the board and approved by the 4882  
department pursuant to division (B) of this section. 4883

(D) In conjunction with the department of mental health and 4884  
addiction services, operate a coordinated system for tracking and 4885  
monitoring persons found not guilty by reason of insanity and 4886  
committed pursuant to section 2945.40 of the Revised Code who have 4887  
been granted a conditional release and persons found incompetent 4888  
to stand trial and committed pursuant to section 2945.39 of the 4889  
Revised Code who have been granted a conditional release. The 4890  
system shall do all of the following: 4891

(1) Centralize responsibility for the tracking of those 4892

persons;	4893
(2) Provide for uniformity in monitoring those persons;	4894
(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.	4895 4896 4897
(E) Submit to the department a report summarizing complaints and grievances received by the board concerning the rights of persons seeking or receiving services, investigations of complaints and grievances, and outcomes of the investigations.	4898 4899 4900 4901
(F) Provide to the department information to be submitted to the community addiction and mental health information system or systems established by the department under Chapter 5119. of the Revised Code.	4902 4903 4904 4905
(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.	4906 4907 4908 4909 4910 4911
(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.	4912 4913 4914 4915
<b>Sec. 340.09.</b> (A) The department of mental health and addiction services shall provide assistance to any county for <del>the</del> <u>all of the following from funds the general assembly appropriates</u> <u>for these purposes:</u>	4916 4917 4918 4919
<u>(1) The operation of <del>boards</del> the board</u> of alcohol, drug addiction, and mental health services, <del>the provision of services</del> <u>serving the county;</u>	4920 4921 4922

(2) The full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction that are approved by the department and made available in the county by the board serving the county; 4923  
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(3) The continuum of care for other services that are approved by the department within the continuum of care, the and made available in the county by the board serving the county; 4927  
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(4) The provision of approved support functions, and the; 4930

(5) The partnership in, or support for, approved continuum of care-related activities from funds appropriated for that purpose by the general assembly related to the full spectrum of all levels of treatment services for opioid and co-occurring drug addiction and the continuum of care of other services. 4931  
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(B) The full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction shall include at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer mentoring, residential treatment services, recovery housing pursuant to section 340.092 of the Revised Code, and twelve-step approaches. The treatment services shall be made available in the service district of each board, except that a treatment consisting of sub-acute detoxification or residential treatment services for opioid and co-occurring drug addiction is not required to be available in a board's service district if the board has a contract with one or more providers of sub-acute detoxification or residential treatment services for opioid and co-occurring drug addiction located in other service districts. The treatment services shall be made available in a manner that ensures that service recipients are able to access the services they need for opioid and co-occurring drug addiction in an integrated manner and without delay when changing or obtaining additional treatment services for such addiction. A treatment service for opioid and 4936  
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co-occurring drug addiction shall not be excluded from the full spectrum of care on the basis that the treatment service previously failed. 4955  
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(C) Categories in the continuum of care for other services 4958  
may include the following: 4959

(1) Inpatient; 4960

(2) Sub-acute detoxification; 4961

(3) Residential; 4962

~~(3)~~(4) Outpatient treatment; 4963

~~(4)~~(5) Intensive and other supports; 4964

~~(5)~~(6) Recovery support; 4965

~~(6)~~(7) Prevention and wellness management. 4966

~~(C)~~(D) Support functions may include the following: 4967

(1) Consultation; 4968

(2) Research; 4969

(3) Administrative; 4970

(4) Referral and information; 4971

(5) Training; 4972

(6) Service and program evaluation. 4973

**Sec. 340.092.** All of the following apply to the recovery housing that each board of alcohol, drug addiction, and mental health services shall include in the full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction under division (B) of section 340.09 of the Revised Code: 4974  
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(A) The recovery housing shall not be owned or operated by a residential facility as defined in section 5119.34 of the Revised 4980  
4981

Code and instead shall be owned and operated by the following: 4982

(1) Except as provided in division (A)(2) of this section, a 4983  
community addiction services provider or other local 4984  
nongovernmental organization (including a peer-run recovery 4985  
organization), as appropriate to the needs of the board's service 4986  
district; 4987

(2) The board, if either of the following applies: 4988

(a) The board owns and operates the recovery housing on the 4989  
effective date of this section. 4990

(b) The board determines that there is an emergency need for 4991  
the board to assume the ownership and operation of the recovery 4992  
housing such as when an existing owner and operator of the 4993  
recovery housing goes out of business, and the board considers the 4994  
assumption of ownership and operation of the recovery housing to 4995  
be its last resort. 4996

(B) The recovery housing shall have protocols for all of the 4997  
following: 4998

(1) Administrative oversight; 4999

(2) Quality standards; 5000

(3) Policies and procedures, including house rules, for its 5001  
residents to which the residents must agree to adhere. 5002

(C) Individuals recovering from opioid or co-occurring drug 5003  
addiction shall have priority in admission to the recovery 5004  
housing, but an individual recovering from other drug addictions 5005  
may be admitted if an available slot is not needed for an 5006  
individual recovering from opioid or co-occurring drug addiction. 5007

(D) Family members of the recovery housing's residents may 5008  
reside in the recovery housing to the extent the recovery 5009  
housing's protocols permit. 5010

(E) The recovery housing shall not limit a resident's 5011

duration of stay to an arbitrary or fixed amount of time. Instead, 5012  
each resident's duration of stay shall be determined by the 5013  
resident's needs, progress, and willingness to abide by the 5014  
recovery housing's protocols, in collaboration with the recovery 5015  
housing's owner, and, if appropriate, in consultation and 5016  
integration with a community addiction services provider. 5017

(F) The recovery housing's residents may receive 5018  
medication-assisted treatment while residing in the recovery 5019  
housing. 5020

(G) The recovery housing is not subject to certification by 5021  
the department of mental health and addiction services under 5022  
section 5119.36 of the Revised Code. 5023

**Sec. 340.093.** If the amount of funds that a board of alcohol, 5024  
drug addiction, and mental health services has for the board's 5025  
full spectrum of care for all levels of treatment services for 5026  
opioid and co-occurring drug addiction is greater than the amount 5027  
needed to provide the treatment services to all eligible 5028  
individuals with opioid and co-occurring drug addictions who apply 5029  
to the board for the treatment services, the board may use the 5030  
excess funds to provide the treatment services to other eligible 5031  
individuals with alcohol or other types of drug addictions. 5032

**Sec. 340.15.** (A) A public children services agency that 5033  
identifies a child by a risk assessment conducted pursuant to 5034  
section 5153.16 of the Revised Code as being at imminent risk of 5035  
being abused or neglected because of an addiction of a parent, 5036  
guardian, or custodian of the child to a drug of abuse or alcohol 5037  
shall refer the child's addicted parent, guardian, or custodian 5038  
and, if the agency determines that the child needs alcohol or 5039  
other drug addiction services, the child to a community addiction 5040  
services provider certified by the department of mental health and 5041

addiction services under section 5119.36 of the Revised Code. A 5042  
public children services agency that is sent a court order issued 5043  
pursuant to division (B) of section 2151.3514 of the Revised Code 5044  
shall refer the addicted parent or other caregiver of the child 5045  
identified in the court order to a community addiction services 5046  
provider certified by the department of mental health and 5047  
addiction services under section 5119.36 of the Revised Code. On 5048  
receipt of a referral under this division and to the extent 5049  
funding identified under division (A)~~(1)~~(2) of section 340.08 of 5050  
the Revised Code is available, the provider shall provide the 5051  
following services to the addicted parent, guardian, custodian, or 5052  
caregiver and child in need of addiction services: 5053

(1) If it is determined pursuant to an initial screening to 5054  
be needed, assessment and appropriate treatment; 5055

(2) Documentation of progress in accordance with a treatment 5056  
plan developed for the addicted parent, guardian, custodian, 5057  
caregiver, or child; 5058

(3) If the referral is based on a court order issued pursuant 5059  
to division (B) of section 2151.3514 of the Revised Code and the 5060  
order requires the specified parent or other caregiver of the 5061  
child to submit to alcohol or other drug testing during, after, or 5062  
both during and after, treatment, testing in accordance with the 5063  
court order. 5064

(B) The services described in division (A) of this section 5065  
shall have a priority as provided in the addiction and mental 5066  
health services plan and budget established pursuant to sections 5067  
340.03 and 340.08 of the Revised Code. Once a referral has been 5068  
received pursuant to this section, the public children services 5069  
agency and the addiction services provider shall, in accordance 5070  
with 42 C.F.R. Part 2, share with each other any information 5071  
concerning the persons and services described in that division 5072  
that the agency and provider determine are necessary to share. If 5073

the referral is based on a court order issued pursuant to division 5074  
(B) of section 2151.3514 of the Revised Code, the results and 5075  
recommendations of the addiction services provider also shall be 5076  
provided and used as described in division (D) of that section. 5077  
Information obtained or maintained by the agency or provider 5078  
pursuant to this section that could enable the identification of 5079  
any person described in division (A) of this section is not a 5080  
public record subject to inspection or copying under section 5081  
149.43 of the Revised Code. 5082

Sec. 340.20. (A) In accordance with the rules adopted under 5083  
section 5119.363 of the Revised Code, each board of alcohol, drug 5084  
addiction, and mental health services monthly shall do all of the 5085  
following: 5086

(1) Compile on an aggregate basis the information the board 5087  
receives that month from community addiction services providers 5088  
under section 5119.362 of the Revised Code; 5089

(2) Determine the number of applications for a treatment 5090  
service included in the full spectrum of care required by division 5091  
(B) of section 340.09 of the Revised Code that the board received 5092  
in the immediately preceding month and that the board denied that 5093  
month, each type of treatment service so denied, and the reasons 5094  
for the denials; 5095

(3) Subject to division (B) of this section, report all of 5096  
the following to the department of mental health and addiction 5097  
services: 5098

(a) The information that the board compiles under division 5099  
(A)(1) of this section that month; 5100

(b) The information that the board determines under division 5101  
(A)(2) of this section that month; 5102

(c) All other information required by the rules. 5103

(B) Each board shall report the information required by 5104  
division (A)(3) of this section as follows: 5105

(1) In an electronic format; 5106

(2) In a manner that maintains the confidentiality of all 5107  
individuals for whom information is included in the report; 5108

(3) In a manner that presents the information about the 5109  
individuals whose information is included in the report by their 5110  
counties of residence. 5111

**Sec. 341.12.** (A) In a county not having a sufficient jail or 5112  
staff, subject to division (B) of this section, the sheriff shall 5113  
convey any person charged with the commission of an offense, 5114  
sentenced to imprisonment in the county jail, or in custody upon 5115  
civil process to a jail in any county the sheriff considers most 5116  
convenient and secure. As used in this paragraph, any county 5117  
includes a contiguous county in an adjoining state. 5118

The sheriff may call such aid as is necessary in guarding, 5119  
transporting, or returning such person. Whoever neglects or 5120  
refuses to render such aid, when so called upon, shall forfeit and 5121  
pay the sum of ten dollars, to be recovered by an action in the 5122  
name and for the use of the county. 5123

Such sheriff and ~~his~~ the sheriff's assistants shall receive 5124  
such compensation for their services as the county auditor of the 5125  
county from which such person was removed considers reasonable. 5126  
The compensation shall be paid from the county treasury on the 5127  
warrant of the auditor. 5128

The receiving sheriff shall not, pursuant to this section, 5129  
convey the person received to any county other than the one from 5130  
which the person was removed. 5131

(B)(1) If Lawrence county does not have a sufficient jail in 5132  
the county or staff, instead of conveying a person in a category 5133

described in division (A) of this section to a jail in any county 5134  
pursuant to that division, the Lawrence county sheriff may convey 5135  
the person to the river valley/Lawrence county facility in 5136  
accordance with section 341.121 of the Revised Code. 5137

If a county other than Lawrence county does not have a 5138  
sufficient jail or staff and has entered into an agreement with 5139  
the Lawrence county sheriff as described in division (B)(1) of 5140  
section 341.121 of the Revised Code, instead of conveying a person 5141  
in a category described in division (A) of this section to a jail 5142  
in any county pursuant to that division, the sheriff of the other 5143  
county may convey the person to the river valley/Lawrence county 5144  
facility in accordance with section 341.121 of the Revised Code. 5145

(2) As used in division (B)(1) of this section, "river 5146  
valley/Lawrence county facility" has the same meaning as in 5147  
section 341.121 of the Revised Code. 5148

**Sec. 341.121.** (A) As used in this section: 5149

(1) "Ohio river valley juvenile correctional facility" means 5150  
the former Ohio river valley juvenile correctional facility in 5151  
Franklin Furnace, Scioto county, that formerly was operated by the 5152  
department of youth services. 5153

(2) "River valley/Lawrence county facility" means the portion 5154  
of the Ohio river valley juvenile correctional facility that, 5155  
pursuant to an agreement entered into as described in division 5156  
(B)(1) of this section, the sheriff of Lawrence county is 5157  
authorized to use as a jail for Lawrence county. 5158

(B) The board of county commissioners of Lawrence county, the 5159  
director of youth services, the director of rehabilitation and 5160  
correction, and the director of administrative services may enter 5161  
into an agreement pursuant to which the sheriff of Lawrence county 5162  
may use a specified portion of the Ohio river valley juvenile 5163

correctional facility as a jail for Lawrence county. The agreement shall not provide for transfer of ownership of any portion of the Ohio river valley juvenile correctional facility. If the board and the departments enter into an agreement of this nature, on and after the effective date of the agreement, all of the following apply: 5164  
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(1) The sheriff of Lawrence county may use the river valley/Lawrence county facility for the confinement of persons charged with the commission of an offense, sentenced to confinement for such an offense in a jail, or in custody upon civil process, if the offense occurred or the person was taken into custody under the civil process within Lawrence county or within another county that has entered into an agreement with the sheriff for the confinement of such persons in that facility; 5170  
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(2) The sheriff of Lawrence county shall not use the river valley/Lawrence county facility for the confinement of a juvenile who is alleged to be or is adjudicated a delinquent child or juvenile traffic offender; 5178  
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(3) The sheriff of Lawrence county shall not use the river valley/Lawrence county facility for any purpose listed in division (B)(1) of this section unless that facility satisfies the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code; 5182  
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(4) If the sheriff of Lawrence county uses the river valley/Lawrence county facility for one or more of the purposes listed in division (B)(1) of this section, all of the following apply during that use of that facility and during the period covered by the agreement: 5187  
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(a) The sheriff has charge of that facility and all persons confined in it, and shall keep those persons safely, attend to that facility, and regulate that facility according to the minimum 5192  
5193  
5194



standards for jails in Ohio promulgated pursuant to section 5195  
5120.10 of the Revised Code; 5196

(b) The sheriff has all responsibilities and duties regarding 5197  
the operation of that facility, including, but not limited to, 5198  
safe and secure operation of and staffing for that facility, food 5199  
services, medical services, and other programs, services, and 5200  
treatment of persons confined in it, and conveyance to and from 5201  
that facility of persons who are to be or who have been confined 5202  
in it, in the same manner as if that facility was a Lawrence 5203  
county jail; 5204

(c) All provisions of Chapter 341. of the Revised Code, 5205  
except for sections 341.13 to 341.18 of the Revised Code, apply 5206  
with respect to that facility and to the sheriff in the same 5207  
manner as if that facility was a Lawrence county jail, and 5208  
sections 341.13 to 341.18 of the Revised Code apply with respect 5209  
to that facility and the sheriff if that facility is used for 5210  
confinement of persons from a county other than Lawrence county 5211  
pursuant to an agreement as described in division (B)(1) of this 5212  
section; 5213

(d) Lawrence county has all responsibility for the costs of 5214  
operation of that facility, and for all potential liability 5215  
related to the use or operation of that facility and damages to 5216  
it, in the same manner as if that facility was a Lawrence county 5217  
jail; 5218

(e) The sheriff has all responsibility for investigating 5219  
crimes and quelling disturbances that occur in that facility, and 5220  
for assisting in the prosecution of such crimes, and the 5221  
prosecuting attorney of Lawrence county and prosecutors of 5222  
municipal corporations located in Lawrence county have 5223  
responsibility for prosecution of such crimes, in the same manner 5224  
as if that facility was a Lawrence county jail; 5225

(f) The sheriff's use of that facility shall be in accordance with the terms of the agreement, to the extent that the terms are not in conflict with divisions (B)(1), (2), (3), and (4)(a) to (f) of this section.

(5) If the sheriff of Lawrence county uses the river valley/Lawrence county facility for one or more of the purposes listed in division (B)(1) of this section and subsequently ceases to use that facility for those purposes, the sheriff shall vacate the facility and control of the facility immediately shall revert to the state.

**Sec. 757.03.** As used in sections 757.03 to 757.08 of the Revised Code, "area arts council" means an arts council or other organization the purpose of which is to foster and encourage the development of the arts, including but not limited to, literature, theater, music, the dance, painting, sculpture, photography, architecture, and motion pictures.

In any city or county in which there is a symphony association, area arts council, art museum, or other similar organization, which is incorporated under sections 1702.01 to 1702.58 of the Revised Code, without purpose of profit to any private member or individual, but organized for the purpose of the cultivation and performance of instrumental music, the promotion of the arts, or to maintain a symphony orchestra, the board of education of any school district in such city or the educational service center governing board serving such county, or both, may pay the symphony association, council, art museum, or other organization annually, in quarterly installments, in the case of a school district board of education, a sum of not to exceed one half of one cent on each one hundred dollars of the taxable property of the district and, in the case of an educational service center governing board, a sum of not to exceed one half of

one cent on each one hundred dollars of the taxable property of 5257  
the territory of the service center, as valued on the tax 5258  
duplicate for the next year before the date of the payment. In 5259  
order to qualify for such payments, the symphony association, arts 5260  
council, art museum, or other organization shall, by proper 5261  
resolution of its board of trustees or other governing body, 5262  
accept all applicable provisions of sections 757.03 to 757.08 of 5263  
the Revised Code, and file a certified copy of the resolution with 5264  
the board of education of such district or with the governing 5265  
board of such educational service center prior to the date of any 5266  
payment. The first of such payments may be made in the year after 5267  
the filing of such certified copy. 5268

**Sec. 757.04.** No symphony association, area arts council, art 5269  
museum, or other similar organization may receive any of the 5270  
payments provided for in section 757.03 of the Revised Code until 5271  
the symphony association, council, art museum, or organization, by 5272  
a proper resolution adopted by its board of trustees or other 5273  
governing body, has tendered to the appropriate board of education 5274  
or the educational service center governing board the following: 5275

(A) The right to nominate as trustees or as members of any 5276  
other governing body of the symphony association, council, art 5277  
museum, or organization three members consisting of the following: 5278

(1) One member of the board of education or the educational 5279  
service center governing board; 5280

(2) Either the superintendent of schools of the school 5281  
district or an educational service center, or an assistant 5282  
superintendent of schools of the district or an educational 5283  
service center; 5284

(3) One member of the music department of the schools 5285  
maintained by the board of education, to be selected by the 5286  
superintendent, all three of whom so nominated shall thereupon be 5287

elected as trustees or as members of any other governing body. 5288

(B) The right to nominate for membership on the executive 5289  
committee of the symphony association, council, art museum, or 5290  
organization one of the three trustees of the symphony 5291  
association, council, art museum, or organization, representing 5292  
the board of education or the educational service center governing 5293  
board as the trustees pursuant to division (A) of this section, 5294  
who shall thereupon be elected a member of the executive 5295  
committee; 5296

(C) The right to require the orchestra maintained by the 5297  
symphony association or any performing groups maintained by the 5298  
council, art museum, or organization to provide such feasible 5299  
performances for the public schools or for local school districts 5300  
within the educational service center system maintained or 5301  
supervised by the educational service center governing board, as 5302  
in the joint judgment of the board of trustees of the symphony 5303  
association, council, art museum, or organization, the 5304  
superintendent, and the board of education of the school district 5305  
or the educational service center governing board, will serve the 5306  
largest interest of the school children of the school district or 5307  
the area served by the educational service center. 5308

A copy of the resolution, certified by the president and 5309  
secretary of the symphony association, council, art museum, or 5310  
organization, shall be filed in the office of the board of 5311  
education or in the office of the educational service center 5312  
governing board as a condition precedent to the receipt by the 5313  
association, council, art museum, or organization of any payments. 5314

**Sec. 757.05.** In any city or county in which there is a 5315  
symphony association, an area arts council, an art museum, or 5316  
other similar organization which is incorporated, organized, and 5317  
operated in the manner and for the purposes stated in section 5318

757.03 of the Revised Code, such city or county, or both, may pay 5319  
the symphony association, council, art museum, or organization 5320  
annually, in quarterly installments, in the case of a city, a sum 5321  
not to exceed one half of one cent on each one hundred dollars of 5322  
taxable property of the city as ~~value~~ valued on the tax duplicate 5323  
of the city or, in the case of a county, a sum not to exceed one 5324  
half of one cent on each one hundred dollars of the taxable 5325  
property of the county for the year next before the date of each 5326  
payment. In order to qualify for such payments, the symphony 5327  
association, council, art museum, or organization shall, by a 5328  
proper resolution of its board of trustees or other governing 5329  
body, accept all applicable provisions of sections 757.03 to 5330  
757.08 of the Revised Code and file a certified copy of the 5331  
resolution with the controller of the city or the board of county 5332  
commissioners prior to the date of any payment. The first of such 5333  
payments may be made in the year after the filing of such 5334  
certified copy. 5335

**Sec. 757.06.** No symphony association, area arts council, art 5336  
museum, or other similar organization may receive any of the 5337  
payments provided for in section 757.05 of the Revised Code until 5338  
the symphony association, council, art museum, or organization, by 5339  
a proper resolution adopted by its board of trustees or other 5340  
governing body, has tendered to the mayor, or to the legislative 5341  
authority of the city if there is no mayor, or to the board of 5342  
county commissioners, the following: 5343

(A) The right to nominate as trustees or as members of any 5344  
other governing body of the symphony association, council, art 5345  
museum, or organization, three members to be appointed by the 5346  
mayor, or by the legislative authority of the city if there is no 5347  
mayor, or by the board of county commissioners, one of which 5348  
nominees may, in the discretion of such mayor or legislative 5349  
authority, or board of county commissioners, be the mayor, or a 5350

member of the legislative authority, or the board of county 5351  
commissioners, all three of whom so nominated shall thereupon be 5352  
elected as trustees or as members of any other governing body; 5353

(B) The right to nominate for membership on the executive 5354  
committee of the symphony association, council, art museum, or 5355  
organization, one of the three trustees of the symphony 5356  
association, council, art museum, or organization, representing 5357  
the city or county as the trustees pursuant to division (A) of 5358  
this section, which nominee may, in the discretion of the mayor or 5359  
the legislative authority of the city if there is no mayor, or the 5360  
board of county commissioners, be the mayor, or a member of the 5361  
legislative authority, or the board of county commissioners, which 5362  
nominee shall thereupon be elected a member of the executive 5363  
committee; 5364

(C) The right to require the orchestra maintained by the 5365  
symphony association or any performing groups maintained by the 5366  
council or organization to provide such feasible popular 5367  
performances at low cost, as in the joint judgment of the board of 5368  
trustees of the symphony association, council, art museum, or 5369  
organization, and the mayor or the legislative authority of the 5370  
city if there is no mayor, or the board of county commissioners, 5371  
will serve the largest interests of the citizens of the city or 5372  
county. 5373

A copy of the resolution, certified by the president and 5374  
secretary of the symphony association, council, art museum, or 5375  
organization, shall be filed in the office of the city controller 5376  
of the city or the board of county commissioners of the county, as 5377  
a condition precedent to the receipt by the association ~~or~~ 5378  
society, council, art museum, or similar organization of any 5379  
payments. 5380

**Sec. 757.07.** After any symphony association, area arts 5381

council, art museum, or other similar organization has once filed 5382  
with the board of education, the city controller, or the board of 5383  
county commissioners the resolutions provided for in sections 5384  
757.03 to 757.06 of the Revised Code, it need not renew the same 5385  
from year to year, but each original resolution continues in force 5386  
for the purposes named until, by like resolution, likewise 5387  
certified and filed, any original resolution is revoked or 5388  
rescinded. 5389

**Sec. 757.08.** So long as any symphony association, area arts 5390  
council, art museum, or other similar organization does all the 5391  
things it agreed to do as considerations for the benefits to be 5392  
received by it under sections 757.03 to 757.08 of the Revised 5393  
Code, or is able, willing, and ready to perform the same, the 5394  
appropriate board of education and the educational service center 5395  
governing board and the city and county may continue to make the 5396  
several payments as provided in such sections. 5397

**Sec. 955.01.** (A)(1) Except as otherwise provided in this 5398  
section or in sections 955.011, 955.012, and 955.16 of the Revised 5399  
Code, every person who owns, keeps, or harbors a dog more than 5400  
three months of age shall file, on or after the first day of the 5401  
applicable December, but before the thirty-first day of the 5402  
applicable January, in the office of the county auditor of the 5403  
county in which the dog is kept or harbored, an application for 5404  
registration for a period of one year or three years or an 5405  
application for a permanent registration. The board of county 5406  
commissioners, by resolution, may extend the period for filing the 5407  
application. The application shall state the age, sex, color, 5408  
character of hair, whether short or long, and breed, if known, of 5409  
the dog and the name and address of the owner of the dog. A 5410  
registration fee of two dollars for each year of registration for 5411  
a one-year or three-year registration or twenty dollars for a 5412

permanent registration for each dog shall accompany the 5413  
application. However, the fee may exceed that amount if a greater 5414  
fee has been established under division (A)(2) of this section or 5415  
under section 955.14 of the Revised Code. 5416

(2) A board of county commissioners may establish a 5417  
registration fee higher than the one provided for in division 5418  
(A)(1) of this section for dogs more than nine months of age that 5419  
have not been spayed or neutered, except that the higher 5420  
registration fee permitted by this division shall not apply if a 5421  
person registering a dog furnishes with the application either a 5422  
certificate from a licensed veterinarian verifying that the dog 5423  
should not be spayed or neutered because of its age or medical 5424  
condition or because the dog is used or intended for use for show 5425  
or breeding purposes or a certificate from the owner of the dog 5426  
declaring that the owner holds a valid hunting license issued by 5427  
the division of wildlife of the department of natural resources 5428  
and that the dog is used or intended for use for hunting purposes. 5429  
If the board establishes such a fee, the application for 5430  
registration shall state whether the dog is spayed or neutered, 5431  
and whether a licensed veterinarian has certified that the dog 5432  
should not be spayed or neutered or the owner has stated that the 5433  
dog is used or intended to be used for hunting purposes. The board 5434  
may require a person who is registering a spayed or neutered dog 5435  
to furnish with the application a certificate from a licensed 5436  
veterinarian verifying that the dog is spayed or neutered. No 5437  
person shall furnish a certificate under this division that the 5438  
person knows to be false. 5439

(B) If the application for registration is not filed and the 5440  
registration fee paid, on or before the thirty-first day of the 5441  
applicable January of each year or, if the board of county 5442  
commissioners by resolution has extended the date to a date later 5443  
than the thirty-first day of January, the date established by the 5444



board, the auditor shall assess a penalty in an amount equal to 5445  
the registration fee for one year upon the owner, keeper, or 5446  
harborer, which shall be paid with the registration fee. 5447

(C) An animal shelter that keeps or harbors a dog more than 5448  
three months of age is exempt from paying any fees imposed under 5449  
division (A) or (B) of this section if it is a nonprofit 5450  
organization that is exempt from federal income taxation under 5451  
subsection 501(a) and described in subsection 501(c)(3) of the 5452  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 5453

**Sec. 955.05.** After the thirty-first day of January of any 5454  
year, except as otherwise provided in section 955.012 or 955.16 of 5455  
the Revised Code, every person, immediately upon becoming the 5456  
owner, keeper, or harborer of any dog more than three months of 5457  
age or brought from outside the state during any year, shall file 5458  
like applications, with fees, as required by section 955.01 of the 5459  
Revised Code, for registration for ~~the current year~~ a period of 5460  
one year or three years or an application for permanent 5461  
registration. If the application is not filed and the fee paid, 5462  
within thirty days after the dog is acquired, becomes three months 5463  
of age, or is brought from outside the state, the auditor shall 5464  
assess a penalty in an amount equal to the registration fee for 5465  
one year upon the owner, keeper, or harborer, which shall be paid 5466  
with the registration fee. Thereafter, the owner, keeper, or 5467  
harborer shall register the dog ~~for a period of one year or three~~ 5468  
~~years or register the dog permanently~~ as provided in section 5469  
955.01 of the Revised Code, as applicable. 5470

Every person becoming the owner of a kennel of dogs after the 5471  
thirty-first day of January of any year shall file like 5472  
applications, with fees, as required by section 955.04 of the 5473  
Revised Code, for the registration of such kennel for the current 5474  
calendar year. If such application is not filed and the fee paid 5475

within thirty days after the person becomes the owner of such 5476  
kennel, the auditor shall assess a penalty in an amount equal to 5477  
the registration fee upon the owner of such kennel. 5478

**Sec. 1321.535.** ~~(A)~~ Each applicant for a mortgage loan 5479  
originator license shall submit to a written test that is 5480  
developed and approved by the nationwide mortgage licensing system 5481  
and registry and administered by a test provider approved by the 5482  
nationwide mortgage licensing system and registry based upon 5483  
reasonable standards. 5484

~~(1)~~(A) The test shall adequately measure the applicant's 5485  
knowledge and comprehension in appropriate subject matters, 5486  
including ethics and federal and state law related to mortgage 5487  
origination, fraud, consumer protection, the nontraditional 5488  
mortgage marketplace, and fair lending issues. 5489

~~(2)~~(B) An individual shall not be considered to have passed 5490  
the test unless the individual ~~achieves a test score of~~ answers at 5491  
least seventy-five per cent ~~correct answers on all~~ of the 5492  
questions ~~and at least seventy five per cent correct answers on~~ 5493  
~~all questions relating to Ohio mortgage lending laws and the Ohio~~ 5494  
~~consumer sales practices act, Chapter 1345. of the Revised Code,~~ 5495  
~~as it applies to registrants and licensees~~ correctly. 5496

~~(3)~~(C) An individual may retake the test three consecutive 5497  
times provided the period between taking the tests is at least 5498  
thirty days. 5499

~~(4)~~(D) After failing three consecutive tests, an individual 5500  
shall be required to wait at least six months before taking the 5501  
test again. 5502

~~(5)~~(E) If a mortgage loan originator fails to maintain a 5503  
valid license for a period of five years or longer, the individual 5504  
shall be required to retake the test. For this purpose, any time 5505

during which the individual is a registered mortgage loan 5506  
originator shall not be taken into account. 5507

~~(B) Notwithstanding division (A) of this section, if the 5508  
nationwide mortgage licensing system and registry fails to have in 5509  
place a testing process that meets the criteria set forth in that 5510  
division, the superintendent shall require, until that process is 5511  
in place, evidence that the mortgage loan originator applicant 5512  
passed a written test acceptable to the superintendent. 5513~~

**Sec. 1321.55.** (A) Every registrant shall keep records 5514  
pertaining to loans made under sections 1321.51 to 1321.60 of the 5515  
Revised Code. Such records shall be segregated from records 5516  
pertaining to transactions that are not subject to these sections 5517  
of the Revised Code. Every registrant shall preserve records 5518  
pertaining to loans made under sections 1321.51 to 1321.60 of the 5519  
Revised Code for at least two years after making the final entry 5520  
on such records. Accounting systems maintained in whole or in part 5521  
by mechanical or electronic data processing methods that provide 5522  
information equivalent to that otherwise required are acceptable 5523  
for this purpose. At least once each eighteen-month cycle, the 5524  
division of financial institutions shall make or cause to be made 5525  
an examination of records pertaining to loans made under sections 5526  
1321.51 to 1321.60 of the Revised Code, for the purpose of 5527  
determining whether the registrant is complying with these 5528  
sections and of verifying the registrant's annual report. 5529

(B)(1) As required by the superintendent of financial 5530  
institutions, each registrant shall file with the division each 5531  
year a an annual report under oath or affirmation, on forms 5532  
supplied by the division, concerning the business and operations 5533  
for the preceding calendar year. Whenever a registrant operates 5534  
two or more registered offices or whenever two or more affiliated 5535  
registrants operate registered offices, then a composite report of 5536

the group of registered offices may be filed in lieu of individual 5537  
reports. For purposes of compliance with this requirement, the 5538  
superintendent may accept call reports or other reports of 5539  
condition submitted to the nationwide mortgage licensing system 5540  
and registry in lieu of the annual report. 5541

(2) The ~~division~~ superintendent shall publish annually an 5542  
analysis of the information required under ~~division~~ divisions 5543  
(B)(1) and (3) of this section, but the individual reports, 5544  
whether filed with the superintendent or the nationwide mortgage 5545  
licensing system and registry, shall not be public records and 5546  
shall not be open to public inspection. 5547

(3) Each mortgage licensee shall submit to the nationwide 5548  
mortgage licensing system and registry call reports or other 5549  
reports of condition, which shall be in such form and shall 5550  
contain such information as the nationwide mortgage licensing 5551  
system and registry may require. 5552

(C)(1) The following information is confidential: 5553

(a) Examination information, and any information leading to 5554  
or arising from an examination; 5555

(b) Investigation information, and any information arising 5556  
from or leading to an investigation. 5557

(2) The information described in division (C)(1) of this 5558  
section shall remain confidential for all purposes except when it 5559  
is necessary for the superintendent to take official action 5560  
regarding the affairs of a registrant or licensee, or in 5561  
connection with criminal or civil proceedings to be initiated by a 5562  
prosecuting attorney or the attorney general. This information may 5563  
also be introduced into evidence or disclosed when and in the 5564  
manner authorized by section 1181.25 of the Revised Code. 5565

(D) All application information, except social security 5566  
numbers, employer identification numbers, financial account 5567

numbers, the identity of the institution where financial accounts 5568  
are maintained, personal financial information, fingerprint cards 5569  
and the information contained on such cards, and criminal 5570  
background information, is a public record as defined in section 5571  
149.43 of the Revised Code. 5572

(E) This section does not prevent the division of financial 5573  
institutions from releasing to or exchanging with other financial 5574  
institution regulatory authorities information relating to 5575  
registrants and licensees. For this purpose, a "financial 5576  
institution regulatory authority" includes a regulator of a 5577  
business activity in which a registrant or licensee is engaged, or 5578  
has applied to engage in, to the extent that the regulator has 5579  
jurisdiction over a registrant or licensee engaged in that 5580  
business activity. A registrant or licensee is engaged in a 5581  
business activity, and a regulator of that business activity has 5582  
jurisdiction over the registrant or licensee, whether the 5583  
registrant or licensee conducts the activity directly or a 5584  
subsidiary or affiliate of the registrant or licensee conducts the 5585  
activity. 5586

(1) Any confidentiality or privilege arising under federal or 5587  
state law with respect to any information or material provided to 5588  
the nationwide mortgage licensing system and registry shall 5589  
continue to apply to the information or material after the 5590  
information or material has been provided to the nationwide 5591  
mortgage licensing system and registry. The information and 5592  
material so provided may be shared with all state and federal 5593  
regulatory officials with mortgage industry oversight authority 5594  
without the loss of confidentiality or privilege protections 5595  
provided by federal law or the law of any state. Information or 5596  
material described in division (E)(1) of this section to which 5597  
confidentiality or privilege applies shall not be subject to any 5598  
of the following: 5599

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

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

(2) The superintendent, in order to promote more effective regulation and reduce regulatory burden through supervisory information sharing, may enter into sharing arrangements with other governmental agencies, the conference of state bank supervisors, and the American association of residential mortgage regulators.

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

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

(G) This section does not prevent the division from releasing information relating to registrants and licensees to the attorney general, to the superintendent of real estate and professional licensing for purposes relating to the administration of Chapters 4735. and 4763. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter

3953. of the Revised Code, to the commissioner of securities for 5631  
purposes relating to the administration of Chapter 1707. of the 5632  
Revised Code, or to local law enforcement agencies and local 5633  
prosecutors. Information the division releases pursuant to this 5634  
section remains confidential. 5635

(H) The superintendent of financial institutions shall, by 5636  
rule adopted in accordance with Chapter 119. of the Revised Code, 5637  
establish a process by which mortgage loan originators may 5638  
challenge information provided to the nationwide mortgage 5639  
licensing system and registry by the superintendent. 5640

(I) No person, in connection with any examination or 5641  
investigation conducted by the superintendent under sections 5642  
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 5643  
the following: 5644

(1) Circumvent, interfere with, obstruct, or fail to 5645  
cooperate, including making a false or misleading statement, 5646  
failing to produce records, or intimidating or suborning any 5647  
witness; 5648

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 5649  
any books, records, computer records, or other information; 5650

(3) Tamper with, alter, or manufacture any evidence. 5651

**Sec. 1322.03.** (A) An application for a certificate of 5652  
registration as a mortgage broker shall be in writing, under oath, 5653  
and in the form prescribed by the superintendent of financial 5654  
institutions. The application shall be accompanied by a 5655  
nonrefundable application fee of five hundred dollars for each 5656  
location of an office to be maintained by the applicant in 5657  
accordance with division (A) of section 1322.02 of the Revised 5658  
Code and any additional fee required by the nationwide mortgage 5659  
licensing system and registry. The application shall provide all 5660

of the following: 5661

(1) The location or locations where the business is to be 5662  
transacted and whether any location is a residence. If any 5663  
location where the business is to be transacted is a residence, 5664  
the superintendent may require that the application be accompanied 5665  
by a copy of a zoning permit authorizing the use of the residence 5666  
for commercial purposes, or by a written opinion or other document 5667  
issued by the county or political subdivision where the residence 5668  
is located certifying that the use of the residence to transact 5669  
business as a mortgage broker is not prohibited by the county or 5670  
political subdivision. 5671

(2)(a) In the case of a sole proprietor, the name and address 5672  
of the sole proprietor; 5673

(b) In the case of a partnership, the name and address of 5674  
each partner; 5675

(c) In the case of a corporation, the name and address of 5676  
each shareholder owning five per cent or more of the corporation; 5677

(d) In the case of any other entity, the name and address of 5678  
any person that owns five per cent or more of the entity that will 5679  
transact business as a mortgage broker. 5680

(3) Each applicant shall designate an employee or owner of 5681  
the applicant as the applicant's operations manager. While acting 5682  
as the operations manager, the employee or owner shall be licensed 5683  
as a loan originator under sections 1322.01 to 1322.12 of the 5684  
Revised Code and shall not be employed by any other mortgage 5685  
broker. 5686

(4) Evidence that the person designated on the application 5687  
pursuant to division (A)(3) of this section possesses at least 5688  
three years of experience in the residential mortgage and lending 5689  
field, which experience may include employment with or as a 5690  
mortgage broker or with a depository institution, mortgage lending 5691



institution, or other lending institution, or possesses at least 5692  
three years of other experience related specifically to the 5693  
business of residential mortgage loans that the superintendent 5694  
determines meets the requirements of division (A)(4) of this 5695  
section; 5696

(5) Evidence that the person designated on the application 5697  
pursuant to division (A)(3) of this section has successfully 5698  
completed the pre-licensing instruction requirements set forth in 5699  
section 1322.031 of the Revised Code; 5700

(6) Evidence of compliance with the surety bond requirements 5701  
of section 1322.05 of the Revised Code and with sections 1322.01 5702  
to 1322.12 of the Revised Code; 5703

(7) In the case of a foreign business entity, evidence that 5704  
it maintains a license or registration pursuant to Chapter 1703., 5705  
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 5706  
transact business in this state; 5707

(8) Evidence that the applicant's operations manager has 5708  
successfully completed the written test required ~~under division~~ 5709  
~~(A) of~~ by section 1322.051 of the Revised Code; 5710

(9) Any further information that the superintendent requires. 5711

(B) Upon the filing of the application and payment of the 5712  
nonrefundable application fee and any fee required by the 5713  
nationwide mortgage licensing system and registry, the 5714  
superintendent of financial institutions shall investigate the 5715  
applicant, and any individual whose identity is required to be 5716  
disclosed in the application, as set forth in division (B) of this 5717  
section. 5718

(1)(a) Notwithstanding division (K) of section 121.08 of the 5719  
Revised Code, the superintendent shall obtain a criminal history 5720  
records check and, as part of that records check, request that 5721  
criminal record information from the federal bureau of 5722

investigation be obtained. To fulfill this requirement, the 5723  
superintendent shall do either of the following: 5724

(i) Request the superintendent of the bureau of criminal 5725  
identification and investigation, or a vendor approved by the 5726  
bureau, to conduct a criminal records check based on the 5727  
applicant's fingerprints or, if the fingerprints are unreadable, 5728  
based on the applicant's social security number, in accordance 5729  
with division (A)(12) of section 109.572 of the Revised Code; 5730

(ii) Authorize the nationwide mortgage licensing system and 5731  
registry to request a criminal history background check. 5732

(b) Any fee required under division (C)(3) of section 109.572 5733  
of the Revised Code or by the nationwide mortgage licensing system 5734  
and registry shall be paid by the applicant. 5735

(2) The superintendent shall conduct a civil records check. 5736

(3) If, in order to issue a certificate of registration to an 5737  
applicant, additional investigation by the superintendent outside 5738  
this state is necessary, the superintendent may require the 5739  
applicant to advance sufficient funds to pay the actual expenses 5740  
of the investigation, if it appears that these expenses will 5741  
exceed five hundred dollars. The superintendent shall provide the 5742  
applicant with an itemized statement of the actual expenses that 5743  
the applicant is required to pay. 5744

(C) The superintendent shall pay all funds advanced and 5745  
application and renewal fees and penalties the superintendent 5746  
receives pursuant to this section and section 1322.04 of the 5747  
Revised Code to the treasurer of state to the credit of the 5748  
consumer finance fund created in section 1321.21 of the Revised 5749  
Code. 5750

(D) If an application for a mortgage broker certificate of 5751  
registration does not contain all of the information required 5752  
under division (A) of this section, and if that information is not 5753

submitted to the superintendent or to the nationwide mortgage 5754  
licensing system and registry within ninety days after the 5755  
superintendent or the nationwide mortgage licensing system and 5756  
registry requests the information in writing, including by 5757  
electronic transmission or facsimile, the superintendent may 5758  
consider the application withdrawn. 5759

(E) A mortgage broker certificate of registration and the 5760  
authority granted under that certificate is not transferable or 5761  
assignable and cannot be franchised by contract or any other 5762  
means. 5763

(F) The registration requirements of this chapter apply to 5764  
any person acting as a mortgage broker, and no person is exempt 5765  
from the requirements of this chapter on the basis of prior work 5766  
or employment as a mortgage broker. 5767

(G) The superintendent may establish relationships or enter 5768  
into contracts with the nationwide mortgage licensing system and 5769  
registry, or any entities designated by it, to collect and 5770  
maintain records and process transaction fees or other fees 5771  
related to mortgage broker certificates of registration or the 5772  
persons associated with a mortgage broker. 5773

**Sec. 1322.031.** (A) An application for a license as a loan 5774  
originator shall be in writing, under oath, and in the form 5775  
prescribed by the superintendent of financial institutions. The 5776  
application shall be accompanied by a nonrefundable application 5777  
fee of one hundred fifty dollars and any additional fee required 5778  
by the nationwide mortgage licensing system and registry. 5779

(B)(1) The application shall provide evidence, acceptable to 5780  
the superintendent, that the applicant has successfully completed 5781  
at least twenty-four hours of pre-licensing instruction consisting 5782  
of all of the following: 5783

(a) Twenty hours of instruction in a course or program of study reviewed and approved by the nationwide mortgage licensing system and registry;	5784 5785 5786
(b) Four hours of instruction in a course or program of study reviewed and approved by the superintendent concerning state lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees.	5787 5788 5789 5790 5791
(2) Notwithstanding division (B)(1) of this section, until the nationwide mortgage licensing system and registry implements a review and approval program, the application shall provide evidence, as determined by the superintendent, that the applicant has successfully completed at least twenty-four hours of instruction in a course or program of study approved by the superintendent that consists of at least all of the following:	5792 5793 5794 5795 5796 5797 5798
(a) Four hours of instruction concerning state and federal mortgage lending laws, which shall include no less than two hours on this chapter;	5799 5800 5801
(b) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;	5802 5803 5804
(c) Four hours of instruction concerning the loan application process;	5805 5806
(d) Two hours of instruction concerning the underwriting process;	5807 5808
(e) Two hours of instruction concerning the secondary market for mortgage loans;	5809 5810
(f) Four hours of instruction concerning the loan closing process;	5811 5812
(g) Two hours of instruction covering basic mortgage	5813

financing concepts and terms;	5814
(h) Two hours of instruction concerning the ethical responsibilities of a registrant and a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	5815 5816 5817 5818 5819
(3) For purposes of division (B)(1)(a) of this section, the review and approval of a course or program of study includes the review and approval of the provider of the course or program of study.	5820 5821 5822 5823
(4) If an applicant held a valid loan originator license issued by this state at any time during the immediately preceding five-year period, the applicant shall not be required to complete any additional pre-licensing instruction. For this purpose, any time during which the individual is a registered loan originator shall not be taken into account.	5824 5825 5826 5827 5828 5829
(5) A person having successfully completed the pre-licensing education requirement reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of the pre-licensing education requirement of this state.	5830 5831 5832 5833 5834
(C) In addition to the information required under division (B) of this section, the application shall provide both of the following:	5835 5836 5837
(1) Evidence that the applicant passed a written test that meets the requirements described in <del>division (B) of</del> section 1322.051 of the Revised Code;	5838 5839 5840
(2) Any further information that the superintendent requires.	5841
(D) Upon the filing of the application and payment of the application fee and any fee required by the nationwide mortgage	5842 5843

licensing system and registry, the superintendent of financial 5844  
institutions shall investigate the applicant as set forth in 5845  
division (D) of this section. 5846

(1)(a) Notwithstanding division (K) of section 121.08 of the 5847  
Revised Code, the superintendent shall obtain a criminal history 5848  
records check and, as part of the records check, request that 5849  
criminal record information from the federal bureau of 5850  
investigation be obtained. To fulfill this requirement, the 5851  
superintendent shall do either of the following: 5852

(i) Request the superintendent of the bureau of criminal 5853  
identification and investigation, or a vendor approved by the 5854  
bureau, to conduct a criminal records check based on the 5855  
applicant's fingerprints or, if the fingerprints are unreadable, 5856  
based on the applicant's social security number, in accordance 5857  
with division (A)(12) of section 109.572 of the Revised Code; 5858

(ii) Authorize the nationwide mortgage licensing system and 5859  
registry to request a criminal history background check. 5860

(b) Any fee required under division (C)(3) of section 109.572 5861  
of the Revised Code or by the nationwide mortgage licensing system 5862  
and registry shall be paid by the applicant. 5863

(2) The superintendent shall conduct a civil records check. 5864

(3) If, in order to issue a license to an applicant, 5865  
additional investigation by the superintendent outside this state 5866  
is necessary, the superintendent may require the applicant to 5867  
advance sufficient funds to pay the actual expenses of the 5868  
investigation, if it appears that these expenses will exceed one 5869  
hundred fifty dollars. The superintendent shall provide the 5870  
applicant with an itemized statement of the actual expenses that 5871  
the applicant is required to pay. 5872

(E)(1) In connection with applying for a loan originator 5873  
license, the applicant shall furnish to the nationwide mortgage 5874

licensing system and registry the following information concerning 5875  
the applicant's identity: 5876

(a) The applicant's fingerprints for submission to the 5877  
federal bureau of investigation, and any other governmental agency 5878  
or entity authorized to receive such information, for purposes of 5879  
a state, national, and international criminal history background 5880  
check; 5881

(b) Personal history and experience in a form prescribed by 5882  
the nationwide mortgage licensing system and registry, along with 5883  
authorization for the superintendent and the nationwide mortgage 5884  
licensing system and registry to obtain the following: 5885

(i) An independent credit report from a consumer reporting 5886  
agency; 5887

(ii) Information related to any administrative, civil, or 5888  
criminal findings by any governmental jurisdiction. 5889

(2) In order to effectuate the purposes of divisions 5890  
(E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent 5891  
may use the conference of state bank supervisors, or a wholly 5892  
owned subsidiary, as a channeling agent for requesting information 5893  
from and distributing information to the United States department 5894  
of justice or any other governmental agency. The superintendent 5895  
may also use the nationwide mortgage licensing system and registry 5896  
as a channeling agent for requesting information from and 5897  
distributing information to any source related to matters subject 5898  
to those divisions of this section. 5899

(F) The superintendent shall pay all funds advanced and 5900  
application and renewal fees and penalties the superintendent 5901  
receives pursuant to this section and section 1322.041 of the 5902  
Revised Code to the treasurer of state to the credit of the 5903  
consumer finance fund created in section 1321.21 of the Revised 5904  
Code. 5905

(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.

(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 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 5938  
broker receives written confirmation from the superintendent that 5939  
the loan originator is licensed under sections 1322.01 to 1322.12 5940  
of the Revised Code. 5941

(4) Notwithstanding divisions (H)(1) to (3) of this section, 5942  
if a licensee is employed by or associated with a person or entity 5943  
listed in division (G)(2) of section 1322.01 of the Revised Code, 5944  
all of the following apply: 5945

(a) The licensee shall maintain and display the original loan 5946  
originator license at the office where the licensee principally 5947  
transacts business; 5948

(b) If the loan originator's employment or association is 5949  
terminated, the loan originator shall return the original loan 5950  
originator license to the superintendent within five business days 5951  
after termination. The licensee may request the transfer of the 5952  
license to a mortgage broker or another person or entity listed in 5953  
division (G)(2) of section 1322.01 of the Revised Code by 5954  
submitting a transfer application, along with a fifteen-dollar fee 5955  
and any fee required by the national mortgage licensing system and 5956  
registry, to the superintendent or may request the superintendent 5957  
in writing to hold the license in escrow. A licensee whose license 5958  
is held in escrow shall cease activity as a loan originator. A 5959  
licensee whose license is held in escrow shall be required to 5960  
apply for renewal annually and to comply with the annual 5961  
continuing education requirement. 5962

(c) The licensee may seek to be employed or associated with a 5963  
mortgage broker or person or entity listed in division (G)(2) of 5964  
section 1322.01 of the Revised Code if the mortgage broker or 5965  
person or entity receives written confirmation from the 5966  
superintendent that the loan originator is licensed under sections 5967  
1322.01 to 1322.12 of the Revised Code. 5968

(I) The superintendent may establish relationships or enter 5969  
into contracts with the nationwide mortgage licensing system and 5970  
registry, or any entities designated by it, to collect and 5971  
maintain records and process transaction fees or other fees 5972  
related to loan originator licenses or the persons associated with 5973  
a licensee. 5974

(J) A loan originator license, or the authority granted under 5975  
that license, is not assignable and cannot be franchised by 5976  
contract or any other means. 5977

**Sec. 1322.04.** (A) Upon the conclusion of the investigation 5978  
required under division (B) of section 1322.03 of the Revised 5979  
Code, the superintendent of financial institutions shall issue a 5980  
certificate of registration to the applicant if the superintendent 5981  
finds that the following conditions are met: 5982

(1) The application is accompanied by the application fee and 5983  
any fee required by the nationwide mortgage licensing system and 5984  
registry. 5985

(a) If a check or other draft instrument is returned to the 5986  
superintendent for insufficient funds, the superintendent shall 5987  
notify the applicant by certified mail, return receipt requested, 5988  
that the application will be withdrawn unless the applicant, 5989  
within thirty days after receipt of the notice, submits the 5990  
application fee and a one-hundred-dollar penalty to the 5991  
superintendent. If the applicant does not submit the application 5992  
fee and penalty within that time period, or if any check or other 5993  
draft instrument used to pay the fee or penalty is returned to the 5994  
superintendent for insufficient funds, the application shall be 5995  
withdrawn. 5996

(b) If a check or other draft instrument is returned to the 5997  
superintendent for insufficient funds after the certificate of 5998  
registration has been issued, the superintendent shall notify the 5999

registrant by certified mail, return receipt requested, that the 6000  
certificate of registration issued in reliance on the check or 6001  
other draft instrument will be canceled unless the registrant, 6002  
within thirty days after receipt of the notice, submits the 6003  
application fee and a one-hundred-dollar penalty to the 6004  
superintendent. If the registrant does not submit the application 6005  
fee and penalty within that time period, or if any check or other 6006  
draft instrument used to pay the fee or penalty is returned to the 6007  
superintendent for insufficient funds, the certificate of 6008  
registration shall be canceled immediately without a hearing, and 6009  
the registrant shall cease activity as a mortgage broker. 6010

(2) If the application is for a location that is a residence, 6011  
evidence that the use of the residence to transact business as a 6012  
mortgage broker is not prohibited. 6013

(3) The person designated on the application pursuant to 6014  
division (A)(3) of section 1322.03 of the Revised Code meets the 6015  
experience requirements provided in division (A)(4) of section 6016  
1322.03 of the Revised Code and the education requirements set 6017  
forth in division (A)(5) of section 1322.03 of the Revised Code. 6018

(4) The applicant maintains all necessary filings and 6019  
approvals required by the secretary of state. 6020

(5) The applicant complies with the surety bond requirements 6021  
of section 1322.05 of the Revised Code. 6022

(6) The applicant complies with sections 1322.01 to 1322.12 6023  
of the Revised Code and the rules adopted thereunder. 6024

(7) Neither the applicant nor any person whose identity is 6025  
required to be disclosed on an application for a mortgage broker 6026  
certificate of registration has had a mortgage broker certificate 6027  
of registration or loan originator license, or any comparable 6028  
authority, revoked in any governmental jurisdiction or has pleaded 6029  
guilty or nolo contendere to or been convicted of any of the 6030

following in a domestic, foreign, or military court: 6031

(a) During the seven-year period immediately preceding the 6032  
date of application for the certificate of registration, a 6033  
misdemeanor involving theft or any felony; 6034

(b) At any time prior to the date the application for the 6035  
certificate of registration is approved, a felony involving an act 6036  
of fraud, dishonesty, a breach of trust, theft, or money 6037  
laundering. 6038

(8) Based on the totality of the circumstances and 6039  
information submitted in the application, the applicant has proven 6040  
to the superintendent, by a preponderance of the evidence, that 6041  
the applicant is of good business repute, appears qualified to act 6042  
as a mortgage broker, has fully complied with sections 1322.01 to 6043  
1322.12 of the Revised Code and the rules adopted thereunder, and 6044  
meets all of the conditions for issuing a mortgage broker 6045  
certificate of registration. 6046

(9) The applicant's operations manager successfully completed 6047  
the examination required ~~under division (A) of~~ by section 1322.051 6048  
of the Revised Code. 6049

(10) The applicant's financial responsibility, experience, 6050  
character, and general fitness command the confidence of the 6051  
public and warrant the belief that the business will be operated 6052  
honestly and fairly in compliance with the purposes of sections 6053  
1322.01 to 1322.12 of the Revised Code and the rules adopted 6054  
thereunder. The superintendent shall not use a credit score as the 6055  
sole basis for registration denial. 6056

(B) For purposes of determining whether an applicant that is 6057  
a partnership, corporation, or other business entity or 6058  
association has met the conditions set forth in divisions (A)(7), 6059  
(A)(8), and (A)(10) of this section, the superintendent shall 6060  
determine which partners, shareholders, or persons named in the 6061

application pursuant to division (A)(2) of section 1322.03 of the Revised Code must meet the conditions set forth in divisions (A)(7), (A)(8), and (A)(10) of this section. This determination shall be based on the extent and nature of the partner's, shareholder's, or person's ownership interest in the partnership, corporation, or other business entity or association that is the applicant and on whether the person is in a position to direct, control, or adversely influence the operations of the applicant.

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

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

(2) The operations manager designated under division (A)(3) of section 1322.03 of the Revised Code has completed, at least

eight hours of continuing education as required under section 6094  
1322.052 of the Revised Code. 6095

(3) The applicant meets the conditions set forth in divisions 6096  
(A)(2) to (10) of this section. 6097

(4) The applicant's mortgage broker certificate of 6098  
registration is not subject to an order of suspension or an unpaid 6099  
and past due fine imposed by the superintendent. 6100

(D)(1) Subject to division (D)(2) of this section, if a 6101  
renewal fee or additional fee required by the nationwide mortgage 6102  
licensing system and registry is received by the superintendent 6103  
after the thirty-first day of December, the mortgage broker 6104  
certificate of registration shall not be considered renewed, and 6105  
the applicant shall cease activity as a mortgage broker. 6106

(2) Division (D)(1) of this section shall not apply if the 6107  
applicant, no later than the thirty-first day of January, submits 6108  
the renewal fee or additional fee and a one-hundred-dollar penalty 6109  
to the superintendent. 6110

(E) If the person designated as the operations manager 6111  
pursuant to division (A)(3) of section 1322.03 of the Revised Code 6112  
is no longer the operations manager, the registrant shall do all 6113  
of the following: 6114

(1) Within ninety days after the departure of the designated 6115  
operations manager, designate another person as the operations 6116  
manager; 6117

(2) Within ten days after the designation described in 6118  
division (E)(1) of this section, notify the superintendent in 6119  
writing of the designation; 6120

(3) Submit any additional information that the superintendent 6121  
requires to establish that the newly designated operations manager 6122  
complies with the requirements set forth in section 1322.03 of the 6123

Revised Code. 6124

(F) The registrant shall cease operations if it is without an 6125  
operations manager approved by the superintendent for more than 6126  
one hundred eighty days unless otherwise authorized in writing by 6127  
the superintendent due to exigent circumstances. 6128

(G) Mortgage broker certificates of registration issued on or 6129  
after May 1, 2010, annually expire on the thirty-first day of 6130  
December. 6131

**Sec. 1322.041.** (A) Upon the conclusion of the investigation 6132  
required under division (D) of section 1322.031 of the Revised 6133  
Code, the superintendent of financial institutions shall issue a 6134  
loan originator license to the applicant if the superintendent 6135  
finds that the following conditions are met: 6136

(1) The application is accompanied by the application fee and 6137  
any fee required by the nationwide mortgage licensing system and 6138  
registry. 6139

(a) If a check or other draft instrument is returned to the 6140  
superintendent for insufficient funds, the superintendent shall 6141  
notify the applicant by certified mail, return receipt requested, 6142  
that the application will be withdrawn unless the applicant, 6143  
within thirty days after receipt of the notice, submits the 6144  
application fee and a one-hundred-dollar penalty to the 6145  
superintendent. If the applicant does not submit the application 6146  
fee and penalty within that time period, or if any check or other 6147  
draft instrument used to pay the fee or penalty is returned to the 6148  
superintendent for insufficient funds, the application shall be 6149  
withdrawn. 6150

(b) If a check or other draft instrument is returned to the 6151  
superintendent for insufficient funds after the license has been 6152  
issued, the superintendent shall notify the licensee by certified 6153

mail, return receipt requested, that the license issued in 6154  
reliance on the check or other draft instrument will be canceled 6155  
unless the licensee, within thirty days after receipt of the 6156  
notice, submits the application fee and a one-hundred-dollar 6157  
penalty to the superintendent. If the licensee does not submit the 6158  
application fee and penalty within that time period, or if any 6159  
check or other draft instrument used to pay the fee or penalty is 6160  
returned to the superintendent for insufficient funds, the license 6161  
shall be canceled immediately without a hearing, and the licensee 6162  
shall cease activity as a loan originator. 6163

(2) The applicant complies with sections 1322.01 to 1322.12 6164  
of the Revised Code and the rules adopted thereunder. 6165

(3) The applicant has not been convicted of or pleaded guilty 6166  
or nolo contendere to any of the following in a domestic, foreign, 6167  
or military court: 6168

(a) During the seven-year period immediately preceding the 6169  
date of application for the license, a misdemeanor involving theft 6170  
or any felony; 6171

(b) At any time prior to the date the application for the 6172  
license is approved, a felony involving an act of fraud, 6173  
dishonesty, a breach of trust, theft, or money laundering. 6174

(4) Based on the totality of the circumstances and 6175  
information submitted in the application, the applicant has proven 6176  
to the superintendent, by a preponderance of the evidence, that 6177  
the applicant is of good business repute, appears qualified to act 6178  
as a loan originator, has fully complied with sections 1322.01 to 6179  
1322.12 of the Revised Code and the rules adopted thereunder, and 6180  
meets all of the conditions for issuing a loan originator license. 6181

(5) The applicant successfully completed the written test 6182  
required ~~under division (B) of~~ by section 1322.051 of the Revised 6183  
Code and completed the prelicensing instruction set forth in 6184



division (B) of section 1322.031 of the Revised Code. 6185

(6) The applicant's financial responsibility, character, and 6186  
general fitness command the confidence of the public and warrant 6187  
the belief that the business will be operated honestly and fairly 6188  
in compliance with the purposes of sections 1322.01 to 1322.12 of 6189  
the Revised Code. The superintendent shall not use a credit score 6190  
as the sole basis for a license denial. 6191

(7) The applicant is in compliance with the surety bond 6192  
requirements of section 1322.05 of the Revised Code. 6193

(8) The applicant has not had a loan originator license, or 6194  
comparable authority, revoked in any governmental jurisdiction. 6195

(B) The license issued under division (A) of this section may 6196  
be renewed annually on or before the thirty-first day of December 6197  
if the superintendent finds that all of the following conditions 6198  
are met: 6199

(1) The renewal application is accompanied by a nonrefundable 6200  
renewal fee of one hundred fifty dollars and any fee required by 6201  
the nationwide mortgage licensing system and registry. If a check 6202  
or other draft instrument is returned to the superintendent for 6203  
insufficient funds, the superintendent shall notify the licensee 6204  
by certified mail, return receipt requested, that the license 6205  
renewed in reliance on the check or other draft instrument will be 6206  
canceled unless the licensee, within thirty days after receipt of 6207  
the notice, submits the renewal fee and a one-hundred-dollar 6208  
penalty to the superintendent. If the licensee does not submit the 6209  
renewal fee and penalty within that time period, or if any check 6210  
or other draft instrument used to pay the fee or penalty is 6211  
returned to the superintendent for insufficient funds, the license 6212  
shall be canceled immediately without a hearing, and the licensee 6213  
shall cease activity as a loan originator. 6214

(2) The applicant has completed at least eight hours of 6215

continuing education as required under section 1322.052 of the Revised Code.

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

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

(C)(1) Subject to division (C)(2) of this section, if a license renewal application or renewal fee, including any fee required by the nationwide mortgage licensing system and registry, is received by the superintendent after the thirty-first day of December, the license shall not be considered renewed, and the applicant shall cease activity as a loan originator.

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

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

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

~~(B) Each and each~~ applicant for a loan originator license 6246  
shall submit to a written test that is developed and approved by 6247  
the nationwide mortgage licensing system and registry and 6248  
administered by a test provider approved by the nationwide 6249  
mortgage licensing system and registry based on reasonable 6250  
standards. 6251

~~(1)(A)~~ The test shall adequately measure the designee's or 6252  
applicant's knowledge and comprehension in appropriate subject 6253  
areas, including ethics, federal and state law related to mortgage 6254  
origination, fraud, consumer protection, and the nontraditional 6255  
mortgage marketplace, and fair lending issues. 6256

~~(2)(B)~~ An individual shall not be considered to have passed 6257  
the written test unless the individual achieves a test score of 6258  
answers at least seventy-five per cent ~~correct answers on all of~~ 6259  
the questions and at least seventy five per cent correct answers 6260  
~~on all questions relating to state mortgage lending laws and the~~ 6261  
~~Ohio consumer sales practices act, Chapter 1345. of the Revised~~ 6262  
~~Code, as it applies to registrants and licensees~~ correctly. 6263

~~(3)(C)~~ An individual may retake the test three consecutive 6264  
times provided the period between taking the tests is at least 6265  
thirty days. If an individual fails three consecutive tests, the 6266  
individual shall be required to wait at least six months before 6267  
taking the test again. 6268

~~(4)(D)~~ If a loan originator fails to maintain a valid loan 6269  
originator license for a period of five years or longer, the 6270  
individual shall be required to retake the test. 6271

For this purpose, any time during which the individual is a 6272  
registered loan originator shall not be taken into account. 6273

~~(C) Notwithstanding division (B) of this section, until the~~ 6274  
~~nationwide mortgage licensing system and registry implements a~~ 6275  
~~testing process that meets the criteria set forth in that~~ 6276

~~division, the superintendent shall require each applicant to pass~~ 6277  
~~a written test acceptable to the superintendent.~~ 6278

**Sec. 1322.06.** (A) As often as the superintendent of financial 6279  
institutions considers it necessary, the superintendent may 6280  
examine the registrant's or licensee's records, including all 6281  
records created or processed by a licensee, pertaining to business 6282  
transacted pursuant to sections 1322.01 to 1322.12 of the Revised 6283  
Code. 6284

(B) A registrant or licensee shall maintain records 6285  
pertaining to business transacted pursuant to sections 1322.01 to 6286  
1322.12 of the Revised Code, including copies of all mortgage loan 6287  
origination disclosure statements prepared in accordance with 6288  
section 1322.062 of the Revised Code, for four years. For purposes 6289  
of this division, "registrant or licensee" includes any person 6290  
whose certificate of registration or license is cancelled, 6291  
surrendered, or revoked or who otherwise ceases to engage in 6292  
business as a mortgage broker or loan originator. 6293

No registrant or licensee shall fail to comply with this 6294  
division. 6295

(C) Each registrant and licensee shall submit to the 6296  
nationwide mortgage licensing system and registry call reports or 6297  
other reports of condition, which reports shall be in such form 6298  
and shall contain such information as the nationwide mortgage 6299  
licensing system and registry may require. 6300

(D)(1) As required by the superintendent, each registrant 6301  
shall file with the division of financial institutions an annual 6302  
report under oath or affirmation, on forms supplied by the 6303  
division, concerning the business and operations of the registrant 6304  
for the preceding calendar year. If a registrant operates two or 6305  
more registered offices, or two or more affiliated registrants 6306  
operate registered offices, a composite report of the group of 6307

registered offices may be filed in lieu of individual reports. For 6308  
purposes of compliance with this requirement, the superintendent 6309  
may accept call reports or other reports of condition submitted to 6310  
the nationwide mortgage licensing system and registry in lieu of 6311  
the annual report. 6312

(2) The ~~division~~ superintendent shall publish annually an 6313  
analysis of the information required under division (D)(1) of this 6314  
section, but the individual reports, whether filed with the 6315  
superintendent or the nationwide mortgage licensing system and 6316  
registry, shall not be public records and shall not be open to 6317  
public inspection or otherwise be subject to section 149.43 of the 6318  
Revised Code. 6319

**Sec. 1322.11.** (A)(1) A buyer injured by a violation of 6320  
section 1322.02, 1322.062, ~~1322.063~~, 1322.064, 1322.07, 1322.071, 6321  
1322.08, or 1322.09 of the Revised Code may bring an action for 6322  
recovery of damages. 6323

(2) Damages awarded under division (A)(1) of this section 6324  
shall not be less than all compensation paid directly and 6325  
indirectly to a mortgage broker or loan originator from any 6326  
source, plus reasonable attorney's fees and court costs. 6327

(3) The buyer may be awarded punitive damages. 6328

(B)(1) The superintendent of financial institutions or a 6329  
buyer may directly bring an action to enjoin a violation of 6330  
sections 1322.01 to 1322.12 of the Revised Code. The attorney 6331  
general may directly bring an action to enjoin a violation of 6332  
sections 1322.01 to 1322.12 of the Revised Code with the same 6333  
rights, privileges, and powers as those described in section 6334  
1345.06 of the Revised Code. The prosecuting attorney of the 6335  
county in which the action may be brought may bring an action to 6336  
enjoin a violation of sections 1322.01 to 1322.12 of the Revised 6337  
Code only if the prosecuting attorney first presents any evidence 6338

of the violation to the attorney general and, within a reasonable 6339  
period of time, the attorney general has not agreed to bring the 6340  
action. 6341

(2) The superintendent may initiate criminal proceedings 6342  
under sections 1322.01 to 1322.12 of the Revised Code by 6343  
presenting any evidence of criminal violation to the prosecuting 6344  
attorney of the county in which the offense may be prosecuted. If 6345  
the prosecuting attorney does not prosecute the violations, or at 6346  
the request of the prosecuting attorney, the superintendent shall 6347  
present any evidence of criminal violations to the attorney 6348  
general, who may proceed in the prosecution with all the rights, 6349  
privileges, and powers conferred by law on prosecuting attorneys, 6350  
including the power to appear before grand juries and to 6351  
interrogate witnesses before such grand juries. These powers of 6352  
the attorney general shall be in addition to any other applicable 6353  
powers of the attorney general. 6354

(3) The prosecuting attorney of the county in which an 6355  
alleged offense may be prosecuted may initiate criminal 6356  
proceedings under sections 1322.01 to 1322.12 of the Revised Code. 6357

(4) In order to initiate criminal proceedings under sections 6358  
1322.01 to 1322.12 of the Revised Code, the attorney general shall 6359  
first present any evidence of criminal violations to the 6360  
prosecuting attorney of the county in which the alleged offense 6361  
may be prosecuted. If, within a reasonable period of time, the 6362  
prosecuting attorney has not agreed to prosecute the violations, 6363  
the attorney general may proceed in the prosecution with all the 6364  
rights, privileges, and powers described in division (B)(2) of 6365  
this section. 6366

(5) When a judgment under this section becomes final, the 6367  
clerk of court shall mail a copy of the judgment, including 6368  
supporting opinions, to the superintendent. 6369

(C) The remedies provided by this section are in addition to 6370  
any other remedy provided by law. 6371

(D) In any proceeding or action brought under sections 6372  
1322.01 to 1322.12 of the Revised Code, the burden of proving an 6373  
exemption under those sections is on the person claiming the 6374  
benefit of the exemption. 6375

(E) No person shall be deemed to violate sections 1322.01 to 6376  
1322.12 of the Revised Code with respect to any act taken or 6377  
omission made in reliance on a written notice, written 6378  
interpretation, or written report from the superintendent, unless 6379  
there is a subsequent amendment to those sections, or rules 6380  
promulgated thereunder, that affects the superintendent's notice, 6381  
interpretation, or report. 6382

(F) Upon disbursement of mortgage loan proceeds to or on 6383  
behalf of the buyer, the registrant that assisted the buyer to 6384  
obtain the mortgage loan is deemed to have completed the 6385  
performance of the registrant's services for the buyer and owes no 6386  
additional duties or obligations to the buyer with respect to the 6387  
mortgage loan. However, nothing in this division shall be 6388  
construed to limit or preclude the civil or criminal liability of 6389  
a registrant for failing to comply with sections 1322.01 to 6390  
1322.12 of the Revised Code or any rule adopted under those 6391  
sections, for failing to comply with any provision of or duty 6392  
arising under an agreement with a buyer or lender under sections 6393  
1322.01 to 1322.12 of the Revised Code, or for violating any other 6394  
provision of state or federal law. 6395

(G) A buyer injured by a violation of any of the sections 6396  
specified in division (A)(1) of this section is precluded from 6397  
recovering any damages, plus reasonable attorney's fees and costs, 6398  
if the buyer has also recovered any damages in a cause of action 6399  
initiated under section 1322.081 of the Revised Code and the 6400  
recovery of damages for a violation of any of the sections 6401

specified in division (A)(1) of this section is based on the same 6402  
acts or circumstances as the basis for recovery of damages in 6403  
section 1322.081 of the Revised Code. 6404

**Sec. 1345.06.** (A) If, by ~~his~~ the attorney general's own 6405  
inquiries or as a result of complaints, the attorney general has 6406  
reasonable cause to believe that a person has engaged or is 6407  
engaging in an act or practice that violates Chapter 1345. of the 6408  
Revised Code, he may investigate. 6409

(B) For this purpose, the attorney general may administer 6410  
oaths, subpoena witnesses, adduce evidence, and require the 6411  
production of relevant matter. 6412

If matter that the attorney general requires to be produced 6413  
is located outside the state, ~~he~~ the attorney general may 6414  
designate representatives, including officials of the state in 6415  
which the matter is located, to inspect the matter on ~~his~~ the 6416  
attorney general's behalf, and ~~he~~ the attorney general may respond 6417  
to similar requests from officials of other states. The person 6418  
subpoenaed may make the matter available to the attorney general 6419  
at a convenient location within the state or pay the reasonable 6420  
and necessary expenses for the attorney general or ~~his~~ the 6421  
attorney general's representative to examine the matter at the 6422  
place where it is located, provided that expenses shall not be 6423  
charged to a party not subsequently found to have engaged in an 6424  
act or practice violative of Chapter 1345. of the Revised Code. 6425

(C) Within twenty days after a subpoena has been served, a 6426  
person subpoenaed under this section may file a motion to extend 6427  
the return day, or to modify or quash the subpoena, stating good 6428  
cause, ~~may be filed~~ in the court of common pleas of Franklin 6429  
county or ~~the~~ any other county in ~~which the person served resides~~ 6430  
~~or has his principal place of business~~ this state. 6431

(D) A person subpoenaed under this section shall comply with 6432



the terms of the subpoena, unless the parties agree to modify the 6433  
terms of the subpoena or unless the court has modified or quashed 6434  
the subpoena, extended the return day of the subpoena, or issued 6435  
any other order with respect to the subpoena prior to its return 6436  
day. 6437

If a person fails without lawful excuse to obey a subpoena or 6438  
to produce relevant matter, the attorney general may apply to the 6439  
court of common pleas of ~~the Franklin county or any other county~~ 6440  
in ~~which the person subpoenaed resides or has his principal place~~ 6441  
~~of business~~ this state for an order compelling compliance. 6442

(E) The attorney general may request that an individual who 6443  
refuses to testify or to produce relevant matter on the ground 6444  
that the testimony or matter may incriminate ~~him~~ the individual be 6445  
ordered by the court to provide the testimony or matter. With the 6446  
exception of a prosecution for perjury and an action for damages 6447  
under section 1345.07 or 1345.09 of the Revised Code, an 6448  
individual who complies with a court order to provide testimony or 6449  
matter, after asserting a privilege against self-incrimination to 6450  
which ~~he~~ the individual is entitled by law, shall not be subjected 6451  
to a criminal proceeding or to a civil penalty or forfeiture on 6452  
the basis of the testimony or matter required to be disclosed or 6453  
testimony or matter discovered through that testimony or matter. 6454

(F) The attorney general may: 6455

(1) During an investigation under this section, afford, in a 6456  
manner considered appropriate to ~~him~~ to the attorney general, a 6457  
supplier an opportunity to cease and desist from any suspected 6458  
violation. ~~He~~ The attorney general may suspend ~~his~~ such an 6459  
investigation during the time period that ~~he~~ the attorney general 6460  
permits the supplier to cease and desist; however, the suspension 6461  
of the investigation or the affording of an opportunity to cease 6462  
and desist shall not prejudice or prohibit any further 6463  
investigation by the attorney general under this section. 6464

(2) Terminate an investigation under this section upon 6465  
acceptance of a written assurance of voluntary compliance from a 6466  
supplier who is suspected of a violation of this chapter. 6467

Acceptance of an assurance may be conditioned upon an 6468  
undertaking to reimburse or to take other appropriate corrective 6469  
action with respect to identifiable consumers damaged by an 6470  
alleged violation of this chapter. An assurance of compliance 6471  
given by a supplier is not evidence of violation of this chapter. 6472  
The attorney general may, at any time, reopen an investigation 6473  
terminated by the acceptance of an assurance of voluntary 6474  
compliance, if ~~he~~ the attorney general believes that further 6475  
proceedings are in the public interest. Evidence of a violation of 6476  
an assurance of voluntary compliance is prima-facie evidence of an 6477  
act or practice in violation of this chapter, if presented after 6478  
the violation in an action brought under this chapter. An 6479  
assurance of voluntary compliance may be filed with the court and 6480  
if approved by the court, entered as a consent judgment. 6481

(G) The procedures available to the attorney general under 6482  
this section are cumulative and concurrent, and the exercise of 6483  
one procedure by the attorney general does not preclude or require 6484  
the exercise of any other procedure. 6485

Sec. 1541.50. (A) There is hereby created the state 6486  
recreational vehicle fund advisory board consisting of seven 6487  
members. Not later than sixty days after the effective date of 6488  
this section, the director of natural resources shall appoint all 6489  
of the following members to the board: 6490

(1) Two members who shall represent snowmobile users; 6491

(2) Two members who shall represent all-purpose vehicle 6492  
users; 6493

(3) Two members who shall represent off-highway motorcycle 6494

users; 6495

(4) One member who shall represent power sport dealers. 6496

Of the initial appointments to the board, two shall serve for 6497  
a one-year term, two shall serve for a two-year term, and three 6498  
shall serve for a three-year term. Thereafter, terms of office 6499  
shall be for three years, with each term ending on the same day of 6500  
the same month as did the term that it succeeds. Each member shall 6501  
hold office from the date of appointment until the end of the term 6502  
for which the member was appointed. 6503

(B) After the initial appointments, the director of natural 6504  
resources shall appoint members of the board in consultation with 6505  
the following: 6506

(1) A list of candidates provided by a recognized statewide 6507  
organization representing snowmobile users if the member being 6508  
appointed will replace a member who represents snowmobile users; 6509

(2) A list of candidates provided by a recognized statewide 6510  
organization representing all-purpose vehicle users if the member 6511  
being appointed will replace a member who represents all-purpose 6512  
vehicle users; 6513

(3) A list of candidates provided by a recognized statewide 6514  
organization representing off-highway motorcycle users if the 6515  
member being appointed will replace a member who represents 6516  
off-highway motorcycle users; 6517

(4) A list of candidates provided by a recognized statewide 6518  
organization representing power sport dealers if the member being 6519  
appointed will replace a member who represents power sport 6520  
dealers. 6521

Two weeks prior to the expiration of a member's term of 6522  
office, or as soon as possible prior to or after a vacancy on the 6523  
board, an applicable organization shall submit a list of 6524

candidates for the position. 6525

(C) Members may be reappointed. Any member appointed to fill 6526  
a vacancy occurring prior to the expiration date of the term for 6527  
which the member was appointed shall serve for the remainder of 6528  
that term. A member shall continue to serve subsequent to the 6529  
expiration date of the member's term until the member's successor 6530  
takes office or until a period of sixty days has elapsed, 6531  
whichever occurs first. 6532

(D) Serving as a member of the board does not constitute 6533  
holding a public office or position of employment under the laws 6534  
of this state and does not constitute grounds for removal of 6535  
public officers or employees from their offices or positions of 6536  
employment. 6537

(E) A board member shall be reimbursed for actual and 6538  
necessary expenses incurred in the discharge of duties as a board 6539  
member. 6540

(F) The state recreational vehicle fund advisory board shall 6541  
provide advice to the department of natural resources regarding 6542  
the use of state recreational vehicle fund money. The board also 6543  
shall study the feasibility of establishing a grant program to 6544  
fund recreational vehicle projects on both public and private 6545  
lands. Not later than one year after the effective date of this 6546  
section, the board shall issue a report of its findings and 6547  
recommendations to the director of natural resources, the 6548  
president and minority leader of the senate, the speaker and 6549  
minority leader of the house of representatives, and the 6550  
chairperson and the ranking minority member of the committee of 6551  
the house of representatives and the committee of the senate with 6552  
primary responsibility over issues related to natural resources. 6553

**Sec. 1711.50.** As used in sections 1711.50 to 1711.57 of the 6554  
Revised Code: 6555

(A) "Amusement ride" means any mechanical, aquatic, or 6556  
inflatable device, or combination of those devices that carries or 6557  
conveys passengers on, along, around, over, or through a fixed or 6558  
restricted course or within a defined area for the purpose of 6559  
providing amusement, pleasure, or excitement. "Amusement ride" 6560  
includes carnival rides, bungee jumping facilities, and fair 6561  
rides, but does not include passenger tramways as defined in 6562  
section 4169.01 of the Revised Code or amusement rides operated 6563  
solely at trade shows for a limited period of time. For purposes 6564  
of this division ~~(A) of this section~~, "trade show" means a place 6565  
of exhibition not open to the general public where amusement ride 6566  
manufacturers display, promote, operate, and sell amusement rides 6567  
to prospective purchasers. 6568

(B) "Temporary amusement ride" means an amusement ride that 6569  
is relocated at least once per year with or without disassembly. 6570

(C) "Permanent amusement ride" means an amusement ride that 6571  
is erected to remain a lasting part of the premises. 6572

(D) "Owner" means any person who owns or leases and controls 6573  
or manages the operation of an amusement ride, and includes 6574  
individuals, partnerships, corporations, both profit and 6575  
nonprofit, and the state and any of its political subdivisions and 6576  
their departments or agencies. 6577

(E) "Operation" means the use or operation, or both, of an 6578  
amusement ride with riders. 6579

(F) "Rider" means any person who sits, stands, or is 6580  
otherwise conveyed or carried as a passenger on an amusement ride, 6581  
but does not include employees or agents of the owner of the 6582  
amusement ride. 6583

(G) "Amusement ride operator" means any person causing the 6584  
amusement ride to go, stop, or perform its function. 6585

(H) "Reassembly" means the installation, erection, or 6586

reconstruction of the main mechanical, safety, electrical, or 6587  
electronic components of an amusement ride following 6588  
transportation or storage and prior to operation. Replacement of 6589  
mechanical, safety, electrical, or electronic components of an 6590  
amusement ride for the purpose of repair or maintenance is not 6591  
reassembly. 6592

(I) "Repair" means to restore an amusement ride to a 6593  
condition equal to or better than original design specifications. 6594

(J) "Maintenance" means the preservation and upkeep of an 6595  
amusement ride for the purpose of maintaining its designed 6596  
operational capability. 6597

(K) "Inspection" means a physical examination of an amusement 6598  
ride by an inspector for the purpose of approving the application 6599  
for a permit. "Inspection" includes a reinspection. 6600

(L) "Accident" means an occurrence during the operation of an 6601  
amusement ride ~~which~~ that results in death or injury requiring 6602  
immediate hospital admission. 6603

(M) "Serious injury" means an injury that does not require 6604  
immediate hospital admission but does require medical treatment, 6605  
other than first aid, by a physician. 6606

(N) "First aid" means the one-time treatment or subsequent 6607  
observation of scratches, cuts not requiring stitches, burns, 6608  
splinters, and contusions or a diagnostic procedure, including 6609  
examinations and x-rays, ~~which~~ that does not ordinarily require 6610  
medical treatment even though provided by a physician or other 6611  
licensed professional personnel. 6612

(O) "Advisory council" means the advisory council on 6613  
amusement ride safety created by section 1711.51 of the Revised 6614  
Code. 6615

(P) "Safe operation" means, except as provided in section 6616

1711.57 of the Revised Code, the practical application of 6617  
maintenance, inspection, and operational processes, as indicated 6618  
by the manufacturer, owner, or advisory council, that secures a 6619  
rider from threat of physical danger, harm, or loss. 6620

(Q) "Private facility" means any facility that is accessible 6621  
only to members of the facility and not accessible to the general 6622  
public, even upon payment of a fee or charge, and that requires 6623  
approval for membership by a membership committee representing the 6624  
current members who have a policy requiring monetary payment to 6625  
belong to the facility. 6626

(R) "Bungee jumping" means a fall or jump from a height by an 6627  
individual who is attached to an elastic cord that prevents the 6628  
individual from hitting the ground, water, or other solid, 6629  
semi-solid, liquid, or elastic surface. 6630

(S) "Bungee jumping facility" means a device or structure 6631  
utilized for bungee jumping. 6632

(T) "Kiddie ride" means an amusement ride designed for use by 6633  
children under thirteen years of age who are unaccompanied by 6634  
another person. "Kiddie ride" includes a roller coaster that is 6635  
not more than forty feet in elevation at any point on the ride. 6636

**Sec. 1711.53.** (A)(1) No person shall operate an amusement 6637  
ride within the state without a permit issued by the director of 6638  
agriculture under division (A)(2) of this section. The owner of an 6639  
amusement ride, whether the ride is a temporary amusement ride or 6640  
a permanent amusement ride, who desires to operate the amusement 6641  
ride within the state shall, prior to the operation of the 6642  
amusement ride and annually thereafter, submit to the department 6643  
of agriculture an application for a permit, together with the 6644  
appropriate permit and inspection fee, on a form to be furnished 6645  
by the department. Prior to issuing any permit the department 6646  
shall, within thirty days after the date on which it receives the 6647

application, inspect each amusement ride described in the 6648  
application. The owner of an amusement ride shall have the 6649  
amusement ride ready for inspection not later than two hours after 6650  
the time that is requested by the person for the inspection. 6651

(2) For each amusement ride found to comply with the rules 6652  
adopted by the director under division (B) of this section and 6653  
division (B) of section 1711.551 of the Revised Code, the director 6654  
shall issue an annual permit, provided that evidence of liability 6655  
insurance coverage for the amusement ride as required by section 6656  
1711.54 of the Revised Code is on file with the department. 6657

(3) The director shall issue with each permit a decal 6658  
indicating that the amusement ride has been issued the permit. The 6659  
owner of the amusement ride shall affix the decal on the ride at a 6660  
location where the decal is easily visible to the patrons of the 6661  
ride. A copy of the permit shall be kept on file at the same 6662  
address as the location of the amusement ride identified on the 6663  
permit, and shall be made available for inspection, upon 6664  
reasonable demand, by any person. An owner may operate an 6665  
amusement ride prior to obtaining a permit, provided that the 6666  
operation is for the purpose of testing the amusement ride or 6667  
training amusement ride operators and other employees of the owner 6668  
and the amusement ride is not open to the public. 6669

(B) The director, in accordance with Chapter 119. of the 6670  
Revised Code, shall adopt rules providing for a schedule of fines, 6671  
with no fine exceeding five thousand dollars, for violations of 6672  
sections 1711.50 to 1711.57 of the Revised Code or any rules 6673  
adopted under this division and for the classification of 6674  
amusement rides and rules for the safe operation and inspection of 6675  
all amusement rides as are necessary for amusement ride safety and 6676  
for the protection of the general public. Rules adopted by the 6677  
director for the safe operation and inspection of amusement rides 6678  
shall be reasonable and based upon generally accepted engineering 6679



standards and practices. In adopting rules under this section, the 6680  
director may adopt by reference, in whole or in part, the national 6681  
fire code or the national electrical code (NEC) prepared by the 6682  
national fire protection association, the standards of the 6683  
American society for testing and materials (ASTM) or the American 6684  
national standards institute (ANSI), or any other principles, 6685  
tests, or standards of nationally recognized technical or 6686  
scientific authorities. Insofar as is practicable and consistent 6687  
with sections 1711.50 to 1711.57 of the Revised Code, rules 6688  
adopted under this division shall be consistent with the rules of 6689  
other states. The department shall cause sections 1711.50 to 6690  
1711.57 of the Revised Code and the rules adopted in accordance 6691  
with this division and division (B) of section 1711.551 of the 6692  
Revised Code to be published in pamphlet form and a copy to be 6693  
furnished without charge to each owner of an amusement ride who 6694  
holds a current permit or is an applicant therefor. 6695

(C) With respect to an application for a permit for an 6696  
amusement ride, an owner may apply to the director for a waiver or 6697  
modification of any rule adopted under division (B) of this 6698  
section if there are practical difficulties or unnecessary 6699  
hardships for the amusement ride to comply with the rules. Any 6700  
application shall set forth the reasons for the request. The 6701  
director, with the approval of the advisory council on amusement 6702  
ride safety, may waive or modify the application of a rule to any 6703  
amusement ride if the public safety is secure. Any authorization 6704  
by the director under this division shall be in writing and shall 6705  
set forth the conditions under which the waiver or modification is 6706  
authorized, and the department shall retain separate records of 6707  
all proceedings under this division. 6708

(D)(1) The director shall employ and provide for training of 6709  
a chief inspector and additional inspectors and employees as may 6710  
be necessary to administer and enforce sections 1711.50 to 1711.57 6711

of the Revised Code. The director may appoint or contract with 6712  
other persons to perform inspections of amusement rides, provided 6713  
that the persons meet the qualifications for inspectors 6714  
established by rules adopted under division (B) of this section 6715  
and are not owners, or employees of owners, of any amusement ride 6716  
subject to inspection under sections 1711.50 to 1711.57 of the 6717  
Revised Code. No person shall inspect an amusement ride who, 6718  
within six months prior to the date of inspection, was an employee 6719  
of the owner of the ride. 6720

(2) Before the director contracts with other persons to 6721  
inspect amusement rides, the director shall seek the advice of the 6722  
advisory council on amusement ride safety on whether to contract 6723  
with those persons. The advice shall not be binding upon the 6724  
director. After having received the advice of the council, the 6725  
director may proceed to contract with inspectors in accordance 6726  
with the procedures specified in division (E)(2) of section 6727  
1711.11 of the Revised Code. 6728

(3) With the advice and consent of the advisory council on 6729  
amusement ride safety, the director may employ a special 6730  
consultant to conduct an independent investigation of an amusement 6731  
ride accident. This consultant need not be in the civil service of 6732  
the state, but shall have qualifications to conduct the 6733  
investigation acceptable to the council. 6734

(E)(1) Except as otherwise provided in division (E)(1) of 6735  
this section, the department shall charge the following amusement 6736  
ride fees: 6737

Permit	\$	150	6738
Annual inspection and reinspection per ride:			6739
Kiddie rides	\$	100	6740
Roller coaster	\$	<del>950</del>	6741
		<u>1,200</u>	
Aerial lifts or bungee jumping facilities	\$	450	6742

Go karts, <u>per kart</u>	\$	5	6743
<u>Inflatable rides, kiddie and adult</u>	\$	<u>105</u>	6744
Other rides	\$	160	6745
Midseason operational inspection per ride	\$	25	6746
Expedited inspection per ride	\$	100	6747
Failure to cancel scheduled inspection per ride	\$	100	6748
Failure to have amusement ride ready for inspection per ride	\$	100	6750

The go kart inspection fee is in addition to the inspection fee for the go kart track. 6751  
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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. 6753  
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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. 6756  
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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. 6761  
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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) of section 1711.55 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall 6767  
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be charged to the fair, festival, or event. 6775

(4) The rules adopted under division (B) of this section 6776  
shall define "~~kiddie rides,~~" "roller coaster," "aerial lifts," "go 6777  
karts," and "other rides" for purposes of determining the fees 6778  
under division (E) of this section. The rules shall define "other 6779  
rides" to include go kart tracks. 6780

(F) A reinspection of an amusement ride shall take place if 6781  
an accident occurs, if the owner of the ride or the chief officer 6782  
of the fair, festival, or event where the ride is operating 6783  
requests a reinspection, or if the reinspection is required by 6784  
division (F) of section 1711.55 of the Revised Code. 6785

(G) As a supplement to its annual inspection of a temporary 6786  
amusement ride, the department may inspect the ride during each 6787  
scheduled event, as listed in the schedule of events provided to 6788  
the department by the owner pursuant to division (C) of section 6789  
1711.55 of the Revised Code, at which the ride is operated in this 6790  
state. These supplemental inspections are in addition to any other 6791  
inspection or reinspection of the ride as may be required under 6792  
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 6793  
the temporary amusement ride is not required to pay an inspection 6794  
or reinspection fee for this supplemental inspection. Nothing in 6795  
this division shall be construed to prohibit the owner of a 6796  
temporary amusement ride having a valid permit to operate in this 6797  
state from operating the ride at a scheduled event before the 6798  
department conducts a supplemental inspection. 6799

(H) The department may annually conduct a midseason 6800  
operational inspection of every amusement ride upon which it 6801  
conducts an annual inspection pursuant to division (A) of this 6802  
section. The midseason operational inspection is in addition to 6803  
any other inspection or reinspection of the amusement ride as may 6804  
be required pursuant to sections 1711.50 to 1711.57 of the Revised 6805  
Code. The owner of an amusement ride shall submit to the 6806

department, at the time determined by the department, the 6807  
midseason operational inspection fee specified in division (E) of 6808  
this section. The director, in accordance with Chapter 119. of the 6809  
Revised Code, shall adopt rules specifying the time period during 6810  
which the department will conduct midseason operational 6811  
inspections. 6812

**Sec. 1724.10.** (A) A community improvement corporation may be 6813  
designated: 6814

(1) By a county, one or more townships, one or more municipal 6815  
corporations, two or more adjoining counties, or any combination 6816  
of the foregoing as the agency of each such political subdivision 6817  
for the industrial, commercial, distribution, and research 6818  
development in such political subdivision when the legislative 6819  
authority of such political subdivision has determined that the 6820  
policy of the political subdivision is to promote the health, 6821  
safety, morals, and general welfare of its inhabitants through the 6822  
designation of a community improvement corporation as such agency; 6823

(2) Solely by a county as the agency for the reclamation, 6824  
rehabilitation, and reutilization of vacant, abandoned, 6825  
tax-foreclosed, or other real property in the county; 6826

(3) By any political subdivision as the agency for the 6827  
reclamation, rehabilitation, and reutilization of vacant, 6828  
abandoned, tax-foreclosed, or other real property within the 6829  
political subdivision if the subdivision enters into an agreement 6830  
with the community improvement corporation that is the agency of a 6831  
county, under division (A)(2) of this section, designating the 6832  
corporation as the agency of the political subdivision. 6833

(B) Designations under this section shall be made by the 6834  
legislative authority of the political subdivision by resolution 6835  
or ordinance. Any political subdivision which has designated a 6836  
community improvement corporation as such agency under this 6837

section may enter into an agreement with it to provide any one or 6838  
more of the following: 6839

(1) That the community improvement corporation shall prepare 6840  
a plan for the political subdivision of industrial, commercial, 6841  
distribution, and research development, or of reclamation, 6842  
rehabilitation, and reutilization of vacant, abandoned, 6843  
tax-foreclosed, or other real property, and such plan shall 6844  
provide therein the extent to which the community improvement 6845  
corporation shall participate as the agency of the political 6846  
subdivision in carrying out such plan. Such plan shall be 6847  
confirmed by the legislative authority of the political 6848  
subdivision. A community improvement corporation may insure 6849  
mortgage payments required by a first mortgage on any industrial, 6850  
economic, commercial, or civic property for which funds have been 6851  
loaned by any person, corporation, bank, or financial or lending 6852  
institution upon such terms and conditions as the community 6853  
improvement corporation may prescribe. A community improvement 6854  
corporation may incur debt, mortgage its property acquired under 6855  
this section or otherwise, and issue its obligations, for the 6856  
purpose of acquiring, constructing, improving, and equipping 6857  
buildings, structures, and other properties, and acquiring sites 6858  
therefor, for lease or sale by the community improvement 6859  
corporation in order to carry out its participation in such plan. 6860  
Except as provided for in division (C) of section 307.78 of the 6861  
Revised Code, any such debt shall be solely that of the 6862  
corporation and shall not be secured by the pledge of any moneys 6863  
received or to be received from any political subdivision. All 6864  
revenue bonds issued under sections 1724.02 and 1724.10 of the 6865  
Revised Code are lawful investments of banks, savings and loan 6866  
associations, deposit guarantee associations, trust companies, 6867  
trustees, fiduciaries, trustees or other officers having charge of 6868  
sinking or bond retirement funds of municipal corporations and 6869  
other subdivisions of the state, and of domestic insurance 6870

companies notwithstanding sections 3907.14 and 3925.08 of the Revised Code. Not less than two-fifths of the governing board of any economic development corporation designated as the agency of one or more political subdivisions shall be composed of mayors, members of municipal legislative authorities, members of boards of township trustees, members of boards of county commissioners, or any other appointed or elected officers of such political subdivisions, provided that at least one officer from each political subdivision shall be a member of the governing board. Membership on the governing board of a community improvement corporation does not constitute the holding of a public office or employment within the meaning of sections 731.02 and 731.12 of the Revised Code or any other section of the Revised Code. The board of directors of a county land reutilization corporation shall be composed of the members set forth in section 1724.03 of the Revised Code. Membership on such governing boards shall not constitute an interest, either direct or indirect, in a contract or expenditure of money by any municipal corporation, township, county, or other political subdivision. No member of such governing boards shall be disqualified from holding any public office or employment, nor shall such member forfeit any such office or employment, by reason of membership on the governing board of a community improvement corporation notwithstanding any law to the contrary.

Actions taken under this section shall be in accordance with any applicable planning or zoning regulations.

Any agreement entered into under this section may be amended or supplemented from time to time by the parties thereto.

An economic development corporation designated as the agency of a political subdivision under this section shall promote and encourage the establishment and growth in such subdivision of industrial, commercial, distribution, and research facilities. A

county land reutilization corporation designated as the agency of 6903  
a political subdivision in an agreement between a political 6904  
subdivision and a corporation shall promote the reclamation, 6905  
rehabilitation, and reutilization of vacant, abandoned, 6906  
tax-foreclosed, or other real property in the subdivision. 6907

(2) Authorization for the community improvement corporation 6908  
to sell or to lease any ~~lands~~ real property or interests in ~~lands~~ 6909  
real property owned by the political subdivision determined from 6910  
time to time by the legislative authority thereof not to be 6911  
required by such political subdivision for its purposes, for uses 6912  
determined by the legislative authority as those that will promote 6913  
the welfare of the people of the political subdivision, stabilize 6914  
the economy, provide employment, assist in the development of 6915  
industrial, commercial, distribution, and research activities to 6916  
the benefit of the people of the political subdivision, will 6917  
provide additional opportunities for their gainful employment, or 6918  
will promote the reclamation, rehabilitation, and reutilization of 6919  
vacant, abandoned, tax-foreclosed, or other real property within 6920  
the subdivision. The legislative authority shall specify the 6921  
consideration for such sale or lease and any other terms thereof. 6922  
Any determinations made by the legislative authority under this 6923  
division shall be conclusive. The community improvement 6924  
corporation acting through its officers and on behalf and as agent 6925  
of the political subdivision shall execute the necessary 6926  
instruments, including deeds conveying the title of the political 6927  
subdivision or leases, to accomplish such sale or lease. Such 6928  
conveyance or lease shall be made without advertising and receipt 6929  
of bids. A copy of such agreement shall be recorded in the office 6930  
of the county recorder of any county in which ~~lands~~ real property 6931  
or interests in ~~lands~~ real property to be sold or leased are 6932  
situated prior to the recording of a deed or lease executed 6933  
pursuant to such agreement. The county recorder shall not charge a 6934  
county land reutilization corporation a fee as otherwise provided 6935



in section 317.32 of the Revised Code for the recording, indexing, 6936  
or making of a certified copy or for the filing of any instrument 6937  
by a county land reutilization corporation consistent with its 6938  
public purposes. 6939

(3) That the political subdivision executing the agreement 6940  
will convey to the community improvement corporation ~~lands~~ real 6941  
property and interests in ~~lands~~ real property owned by the 6942  
political subdivision and determined by the legislative authority 6943  
thereof not to be required by the political subdivision for its 6944  
purposes and that such conveyance of such ~~land~~ real property or 6945  
interests in ~~land~~ real property will promote the welfare of the 6946  
people of the political subdivision, stabilize the economy, 6947  
provide employment, assist in the development of industrial, 6948  
commercial, distribution, and research activities to the benefit 6949  
of the people of the political subdivision, provide additional 6950  
opportunities for their gainful employment or will promote the 6951  
reclamation, rehabilitation, and reutilization of vacant, 6952  
abandoned, tax-foreclosed, or other real property in the 6953  
subdivision, for the consideration and upon the terms established 6954  
in the agreement, and further that as the agency for development 6955  
or land reutilization the community improvement corporation may 6956  
acquire from others additional ~~lands~~ real property or interests in 6957  
~~lands~~ real property, and any ~~lands~~ real property or interests in 6958  
~~land~~ real property so conveyed by it for uses that will promote 6959  
the welfare of the people of the political subdivision, stabilize 6960  
the economy, provide employment, assist in the development of 6961  
industrial, commercial, distribution, and research activities 6962  
required for the people of the political subdivision and for their 6963  
gainful employment or will promote the reclamation, 6964  
rehabilitation, and reutilization of vacant, abandoned, 6965  
tax-foreclosed, or other real property in the subdivision. Any 6966  
conveyance or lease by the political subdivision to the community 6967  
improvement corporation shall be made without advertising and 6968

receipt of bids. If any ~~lands~~ real property or interests in ~~land~~ real property conveyed by a political subdivision under this division are sold by the community improvement corporation at a price in excess of the consideration received by the political subdivision from the community improvement corporation, such excess shall be paid to such political subdivision after deducting, to the extent and in the manner provided in the agreement, the costs of such acquisition and sale, taxes, assessments, costs of maintenance, costs of improvements to the ~~land~~ real property by the community improvement corporation, service fees, and any debt service charges of the corporation attributable to such ~~land~~ real property or interests.

**Sec. 1901.08.** The number of, and the time for election of, judges of the following municipal courts and the beginning of their terms shall be as follows:

In the Akron municipal court, two full-time judges shall be elected in 1951, two full-time judges shall be elected in 1953, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1975.

In the Alliance municipal court, one full-time judge shall be elected in 1953.

In the Ashland municipal court, one full-time judge shall be elected in 1951.

In the Ashtabula municipal court, one full-time judge shall be elected in 1953.

In the Athens county municipal court, one full-time judge shall be elected in 1967.

In the Auglaize county municipal court, one full-time judge shall be elected in 1975.

In the Avon Lake municipal court, one ~~part-time~~ full-time

judge shall be elected in ~~1957~~ 2017. On and after the effective 6999  
date of this amendment, the part-time judge of the Avon Lake 7000  
municipal court who was elected in 2011 shall serve as a full-time 7001  
judge of the court until the end of that judge's term on December 7002  
31, 2017. 7003

In the Barberton municipal court, one full-time judge shall 7004  
be elected in 1969, and one full-time judge shall be elected in 7005  
1971. 7006

In the Bedford municipal court, one full-time judge shall be 7007  
elected in 1975, and one full-time judge shall be elected in 1979. 7008

In the Bellefontaine municipal court, one full-time judge 7009  
shall be elected in 1993. 7010

In the Bellevue municipal court, one part-time judge shall be 7011  
elected in 1951. 7012

In the Berea municipal court, one full-time judge shall be 7013  
elected in 2005. 7014

In the Bowling Green municipal court, one full-time judge 7015  
shall be elected in 1983. 7016

In the Brown county municipal court, one full-time judge 7017  
shall be elected in 2005. Beginning February 9, 2003, the 7018  
part-time judge of the Brown county county court that existed 7019  
prior to that date whose term commenced on January 2, 2001, shall 7020  
serve as the full-time judge of the Brown county municipal court 7021  
until December 31, 2005. 7022

In the Bryan municipal court, one full-time judge shall be 7023  
elected in 1965. 7024

In the Cambridge municipal court, one full-time judge shall 7025  
be elected in 1951. 7026

In the Campbell municipal court, one part-time judge shall be 7027  
elected in 1963. 7028

In the Canton municipal court, one full-time judge shall be 7029  
elected in 1951, one full-time judge shall be elected in 1969, and 7030  
two full-time judges shall be elected in 1977. 7031

In the Carroll county municipal court, one full-time judge 7032  
shall be elected in 2009. Beginning January 1, 2007, the judge 7033  
elected in 2006 to the part-time judgeship of the Carroll county 7034  
county court that existed prior to that date shall serve as the 7035  
full-time judge of the Carroll county municipal court until 7036  
December 31, 2009. 7037

In the Celina municipal court, one full-time judge shall be 7038  
elected in 1957. 7039

In the Champaign county municipal court, one full-time judge 7040  
shall be elected in 2001. 7041

In the Chardon municipal court, one full-time judge shall be 7042  
elected in 1963. 7043

In the Chillicothe municipal court, one full-time judge shall 7044  
be elected in 1951, and one full-time judge shall be elected in 7045  
1977. 7046

In the Circleville municipal court, one full-time judge shall 7047  
be elected in 1953. 7048

In the Clark county municipal court, one full-time judge 7049  
shall be elected in 1989, and two full-time judges shall be 7050  
elected in 1991. The full-time judges of the Springfield municipal 7051  
court who were elected in 1983 and 1985 shall serve as the judges 7052  
of the Clark county municipal court from January 1, 1988, until 7053  
the end of their respective terms. 7054

In the Clermont county municipal court, two full-time judges 7055  
shall be elected in 1991, and one full-time judge shall be elected 7056  
in 1999. 7057

In the Cleveland municipal court, six full-time judges shall 7058

be elected in 1975, three full-time judges shall be elected in 7059  
1953, and four full-time judges shall be elected in 1955. 7060

In the Cleveland Heights municipal court, one full-time judge 7061  
shall be elected in 1957. 7062

In the Clinton county municipal court, one full-time judge 7063  
shall be elected in 1997. The full-time judge of the Wilmington 7064  
municipal court who was elected in 1991 shall serve as the judge 7065  
of the Clinton county municipal court from July 1, 1992, until the 7066  
end of that judge's term on December 31, 1997. 7067

In the Columbiana county municipal court, two full-time 7068  
judges shall be elected in 2001. 7069

In the Conneaut municipal court, one full-time judge shall be 7070  
elected in 1953. 7071

In the Coshocton municipal court, one full-time judge shall 7072  
be elected in 1951. 7073

In the Crawford county municipal court, one full-time judge 7074  
shall be elected in 1977. 7075

In the Cuyahoga Falls municipal court, one full-time judge 7076  
shall be elected in 1953, and one full-time judge shall be elected 7077  
in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal 7078  
court shall cease to exist; however, the judges of the Cuyahoga 7079  
Falls municipal court who were elected pursuant to this section in 7080  
2003 and 2007 for terms beginning on January 1, 2004, and January 7081  
1, 2008, respectively, shall serve as full-time judges of the Stow 7082  
municipal court until December 31, 2009, and December 31, 2013, 7083  
respectively. 7084

In the Darke county municipal court, one full-time judge 7085  
shall be elected in 2005. Beginning January 1, 2005, the part-time 7086  
judge of the Darke county county court that existed prior to that 7087  
date whose term began on January 1, 2001, shall serve as the 7088

full-time judge of the Darke county municipal court until December 31, 2005. 7089  
7090

In the Dayton municipal court, three full-time judges shall be elected in 1987, their terms to commence on successive days beginning on the first day of January next after their election, and two full-time judges shall be elected in 1955, their terms to commence on successive days beginning on the second day of January next after their election. 7091  
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In the Defiance municipal court, one full-time judge shall be elected in 1957. 7097  
7098

In the Delaware municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 2007. 7099  
7100

In the East Cleveland municipal court, one full-time judge shall be elected in 1957. 7101  
7102

In the East Liverpool municipal court, one full-time judge shall be elected in 1953. 7103  
7104

In the Eaton municipal court, one full-time judge shall be elected in 1973. 7105  
7106

In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973. 7107  
7108

In the Erie county municipal court, one full-time judge shall be elected in 2007. 7109  
7110

In the Euclid municipal court, one full-time judge shall be elected in 1951. 7111  
7112

In the Fairborn municipal court, one full-time judge shall be elected in 1977. 7113  
7114

In the Fairfield county municipal court, one full-time judge shall be elected in 2003, and one full-time judge shall be elected in 2005. 7115  
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7117

In the Fairfield municipal court, one full-time judge shall 7118  
be elected in 1989. 7119

In the Findlay municipal court, one full-time judge shall be 7120  
elected in 1955, and one full-time judge shall be elected in 1993. 7121

In the Franklin municipal court, one part-time judge shall be 7122  
elected in 1951. 7123

In the Franklin county municipal court, two full-time judges 7124  
shall be elected in 1969, three full-time judges shall be elected 7125  
in 1971, seven full-time judges shall be elected in 1967, one 7126  
full-time judge shall be elected in 1975, one full-time judge 7127  
shall be elected in 1991, and one full-time judge shall be elected 7128  
in 1997. 7129

In the Fremont municipal court, one full-time judge shall be 7130  
elected in 1975. 7131

In the Gallipolis municipal court, one full-time judge shall 7132  
be elected in 1981. 7133

In the Garfield Heights municipal court, one full-time judge 7134  
shall be elected in 1951, and one full-time judge shall be elected 7135  
in 1981. 7136

In the Girard municipal court, one full-time judge shall be 7137  
elected in 1963. 7138

In the Hamilton municipal court, one full-time judge shall be 7139  
elected in 1953. 7140

In the Hamilton county municipal court, five full-time judges 7141  
shall be elected in 1967, five full-time judges shall be elected 7142  
in 1971, two full-time judges shall be elected in 1981, and two 7143  
full-time judges shall be elected in 1983. All terms of judges of 7144  
the Hamilton county municipal court shall commence on the first 7145  
day of January next after their election, except that the terms of 7146  
the additional judges to be elected in 1981 shall commence on 7147

January 2, 1982, and January 3, 1982, and that the terms of the 7148  
additional judges to be elected in 1983 shall commence on January 7149  
4, 1984, and January 5, 1984. 7150

In the Hardin county municipal court, one part-time judge 7151  
shall be elected in 1989. 7152

In the Hillsboro municipal court, one full-time judge shall 7153  
be elected in 2011. On and after December 30, 2008, the part-time 7154  
judge of the Hillsboro municipal court who was elected in 2005 7155  
shall serve as a full-time judge of the court until the end of 7156  
that judge's term on December 31, 2011. 7157

In the Hocking county municipal court, one full-time judge 7158  
shall be elected in 1977. 7159

In the Holmes county municipal court, one full-time judge 7160  
shall be elected in 2007. Beginning January 1, 2007, the part-time 7161  
judge of the Holmes county county court that existed prior to that 7162  
date whose term commenced on January 1, 2007, shall serve as the 7163  
full-time judge of the Holmes county municipal court until 7164  
December 31, 2007. 7165

In the Huron municipal court, one part-time judge shall be 7166  
elected in 1967. 7167

In the Ironton municipal court, one full-time judge shall be 7168  
elected in 1951. 7169

In the Jackson county municipal court, one full-time judge 7170  
shall be elected in 2001. On and after March 31, 1997, the 7171  
part-time judge of the Jackson county municipal court who was 7172  
elected in 1995 shall serve as a full-time judge of the court 7173  
until the end of that judge's term on December 31, 2001. 7174

In the Kettering municipal court, one full-time judge shall 7175  
be elected in 1971, and one full-time judge shall be elected in 7176  
1975. 7177



In the Lakewood municipal court, one full-time judge shall be 7178  
elected in 1955. 7179

In the Lancaster municipal court, one full-time judge shall 7180  
be elected in 1951, and one full-time judge shall be elected in 7181  
1979. Beginning January 2, 2000, the full-time judges of the 7182  
Lancaster municipal court who were elected in 1997 and 1999 shall 7183  
serve as judges of the Fairfield county municipal court until the 7184  
end of those judges' terms. 7185

In the Lawrence county municipal court, one part-time judge 7186  
shall be elected in 1981. 7187

In the Lebanon municipal court, one part-time judge shall be 7188  
elected in 1955. 7189

In the Licking county municipal court, one full-time judge 7190  
shall be elected in 1951, and one full-time judge shall be elected 7191  
in 1971. 7192

In the Lima municipal court, one full-time judge shall be 7193  
elected in 1951, and one full-time judge shall be elected in 1967. 7194

In the Lorain municipal court, one full-time judge shall be 7195  
elected in 1953, and one full-time judge shall be elected in 1973. 7196

In the Lyndhurst municipal court, one full-time judge shall 7197  
be elected in 1957. 7198

In the Madison county municipal court, one full-time judge 7199  
shall be elected in 1981. 7200

In the Mansfield municipal court, one full-time judge shall 7201  
be elected in 1951, and one full-time judge shall be elected in 7202  
1969. 7203

In the Marietta municipal court, one full-time judge shall be 7204  
elected in 1957. 7205

In the Marion municipal court, one full-time judge shall be 7206  
elected in 1951. 7207

In the Marysville municipal court, one full-time judge shall 7208  
be elected in 2011. On and after January 18, 2007, the part-time 7209  
judge of the Marysville municipal court who was elected in 2005 7210  
shall serve as a full-time judge of the court until the end of 7211  
that judge's term on December 31, 2011. 7212

In the Mason municipal court, one part-time judge shall be 7213  
elected in 1965. 7214

In the Massillon municipal court, one full-time judge shall 7215  
be elected in 1953, and one full-time judge shall be elected in 7216  
1971. 7217

In the Maumee municipal court, one full-time judge shall be 7218  
elected in 1963. 7219

In the Medina municipal court, one full-time judge shall be 7220  
elected in 1957. 7221

In the Mentor municipal court, one full-time judge shall be 7222  
elected in 1971. 7223

In the Miami county municipal court, one full-time judge 7224  
shall be elected in 1975, and one full-time judge shall be elected 7225  
in 1979. 7226

In the Miamisburg municipal court, one full-time judge shall 7227  
be elected in 1951. 7228

In the Middletown municipal court, one full-time judge shall 7229  
be elected in 1953. 7230

In the Montgomery county municipal court: 7231

One judge shall be elected in 2011 to a part-time judgeship 7232  
for a term to begin on January 1, 2012. If any one of the other 7233  
judgeships of the court becomes vacant and is abolished after July 7234  
1, 2010, this judgeship shall become a full-time judgeship on that 7235  
date. If only one other judgeship of the court becomes vacant and 7236  
is abolished as of December 31, 2021, this judgeship shall be 7237

abolished as of that date. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 1, 2005, shall serve as a part-time judge of the Montgomery county municipal court until December 31, 2011.

One judge shall be elected in 2011 to a full-time judgeship for a term to begin on January 2, 2012, and this judgeship shall be abolished on January 1, 2016. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 2, 2005, shall serve as a full-time judge of the Montgomery county municipal court until January 1, 2012.

One judge shall be elected in 2013 to a full-time judgeship for a term to begin on January 2, 2014. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 2, 2007, shall serve as a full-time judge of the Montgomery county municipal court until January 1, 2014.

One judge shall be elected in 2013 to a judgeship for a term to begin on January 1, 2014. If no other judgeship of the court becomes vacant and is abolished by January 1, 2014, this judgeship shall be a part-time judgeship. When one or more of the other judgeships of the court becomes vacant and is abolished after July 1, 2010, this judgeship shall become a full-time judgeship. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 1, 2007, shall serve as this judge of the Montgomery county municipal court until December 31, 2013.

If any one of the judgeships of the court becomes vacant before December 31, 2021, that judgeship is abolished on the date that it becomes vacant, and the other judges of the court shall be or serve as full-time judges. The abolishment of judgeships for

the Montgomery county municipal court shall cease when the court 7270  
has two full-time judgeships. 7271

In the Morrow county municipal court, one full-time judge 7272  
shall be elected in 2005. Beginning January 1, 2003, the part-time 7273  
judge of the Morrow county county court that existed prior to that 7274  
date shall serve as the full-time judge of the Morrow county 7275  
municipal court until December 31, 2005. 7276

In the Mount Vernon municipal court, one full-time judge 7277  
shall be elected in 1951. 7278

In the Napoleon municipal court, one full-time judge shall be 7279  
elected in 2005. 7280

In the New Philadelphia municipal court, one full-time judge 7281  
shall be elected in 1975. 7282

In the Newton Falls municipal court, one full-time judge 7283  
shall be elected in 1963. 7284

In the Niles municipal court, one full-time judge shall be 7285  
elected in 1951. 7286

In the Norwalk municipal court, one full-time judge shall be 7287  
elected in 1975. 7288

In the Oakwood municipal court, one part-time judge shall be 7289  
elected in 1953. 7290

In the Oberlin municipal court, one full-time judge shall be 7291  
elected in 1989. 7292

In the Oregon municipal court, one full-time judge shall be 7293  
elected in 1963. 7294

In the Ottawa county municipal court, one full-time judge 7295  
shall be elected in 1995, and the full-time judge of the Port 7296  
Clinton municipal court who is elected in 1989 shall serve as the 7297  
judge of the Ottawa county municipal court from February 4, 1994, 7298  
until the end of that judge's term. 7299

In the Painesville municipal court, one full-time judge shall be elected in 1951. 7300  
7301

In the Parma municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1971. 7302  
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In the Perrysburg municipal court, one full-time judge shall be elected in 1977. 7305  
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In the Portage county municipal court, two full-time judges shall be elected in 1979, and one full-time judge shall be elected in 1971. 7307  
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In the Port Clinton municipal court, one full-time judge shall be elected in 1953. The full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term. 7310  
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In the Portsmouth municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1985. 7315  
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In the Putnam county municipal court, one full-time judge shall be elected in 2011. Beginning January 1, 2011, the part-time judge of the Putnam county county court that existed prior to that date whose term commenced on January 1, 2007, shall serve as the full-time judge of the Putnam county municipal court until December 31, 2011. 7318  
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In the Rocky River municipal court, one full-time judge shall be elected in 1957, and one full-time judge shall be elected in 1971. 7324  
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7326

In the Sandusky municipal court, one full-time judge shall be elected in 1953. 7327  
7328

In the Sandusky county municipal court, one full-time judge 7329

shall be elected in 2013. Beginning on January 1, 2013, the two 7330  
part-time judges of the Sandusky county county court that existed 7331  
prior to that date shall serve as part-time judges of the Sandusky 7332  
county municipal court until December 31, 2013. If either 7333  
judgeship becomes vacant before January 1, 2014, that judgeship is 7334  
abolished on the date it becomes vacant, and the person who holds 7335  
the other judgeship shall serve as the full-time judge of the 7336  
Sandusky county municipal court until December 31, 2013. 7337

In the Shaker Heights municipal court, one full-time judge 7338  
shall be elected in 1957. 7339

In the Shelby municipal court, one part-time judge shall be 7340  
elected in 1957. 7341

In the Sidney municipal court, one full-time judge shall be 7342  
elected in 1995. 7343

In the South Euclid municipal court, one full-time judge 7344  
shall be elected in 1999. The part-time judge elected in 1993, 7345  
whose term commenced on January 1, 1994, shall serve until 7346  
December 31, 1999, and the office of that judge is abolished on 7347  
January 1, 2000. 7348

In the Springfield municipal court, two full-time judges 7349  
shall be elected in 1985, and one full-time judge shall be elected 7350  
in 1983, all of whom shall serve as the judges of the Springfield 7351  
municipal court through December 31, 1987, and as the judges of 7352  
the Clark county municipal court from January 1, 1988, until the 7353  
end of their respective terms. 7354

In the Steubenville municipal court, one full-time judge 7355  
shall be elected in 1953. 7356

In the Stow municipal court, one full-time judge shall be 7357  
elected in 2009, and one full-time judge shall be elected in 2013. 7358  
Beginning January 1, 2009, the judge of the Cuyahoga Falls 7359  
municipal court that existed prior to that date whose term 7360

commenced on January 1, 2008, shall serve as a full-time judge of 7361  
the Stow municipal court until December 31, 2013. Beginning 7362  
January 1, 2009, the judge of the Cuyahoga Falls municipal court 7363  
that existed prior to that date whose term commenced on January 1, 7364  
2004, shall serve as a full-time judge of the Stow municipal court 7365  
until December 31, 2009. 7366

In the Struthers municipal court, one part-time judge shall 7367  
be elected in 1963. 7368

In the Sylvania municipal court, one full-time judge shall be 7369  
elected in 1963. 7370

In the Tiffin-Fostoria municipal court, one full-time judge 7371  
shall be elected in 2013. 7372

In the Toledo municipal court, two full-time judges shall be 7373  
elected in 1971, four full-time judges shall be elected in 1975, 7374  
and one full-time judge shall be elected in 1973. 7375

In the Upper Sandusky municipal court, one full-time judge 7376  
shall be elected in 2011. The part-time judge elected in 2005, 7377  
whose term commenced on January 1, 2006, shall serve as a 7378  
full-time judge on and after January 1, 2008, until the expiration 7379  
of that judge's term on December 31, 2011, and the office of that 7380  
judge is abolished on January 1, 2012. 7381

In the Vandalia municipal court, one full-time judge shall be 7382  
elected in 1959. 7383

In the Van Wert municipal court, one full-time judge shall be 7384  
elected in 1957. 7385

In the Vermilion municipal court, one part-time judge shall 7386  
be elected in 1965. 7387

In the Wadsworth municipal court, one full-time judge shall 7388  
be elected in 1981. 7389

In the Warren municipal court, one full-time judge shall be 7390

elected in 1951, and one full-time judge shall be elected in 1971. 7391

In the Washington Court House municipal court, one full-time 7392  
judge shall be elected in 1999. The part-time judge elected in 7393  
1993, whose term commenced on January 1, 1994, shall serve until 7394  
December 31, 1999, and the office of that judge is abolished on 7395  
January 1, 2000. 7396

In the Wayne county municipal court, one full-time judge 7397  
shall be elected in 1975, and one full-time judge shall be elected 7398  
in 1979. 7399

In the Willoughby municipal court, one full-time judge shall 7400  
be elected in 1951. 7401

In the Wilmington municipal court, one full-time judge shall 7402  
be elected in 1991, who shall serve as the judge of the Wilmington 7403  
municipal court through June 30, 1992, and as the judge of the 7404  
Clinton county municipal court from July 1, 1992, until the end of 7405  
that judge's term on December 31, 1997. 7406

In the Xenia municipal court, one full-time judge shall be 7407  
elected in 1977. 7408

In the Youngstown municipal court, one full-time judge shall 7409  
be elected in 1951, and one full-time judge shall be elected in 7410  
2013. 7411

In the Zanesville municipal court, one full-time judge shall 7412  
be elected in 1953. 7413

**Sec. 2101.026.** (A) The probate court of Franklin county may 7414  
accept funds or other program assistance from individuals, 7415  
corporations, agencies, or organizations, including, but not 7416  
limited to, the board of alcohol, drug addiction, and mental 7417  
health services of Franklin county or the Franklin county board of 7418  
developmental disabilities. Any funds received by the probate 7419  
court of Franklin county under this division shall be paid into 7420



the treasury of Franklin county and credited to a fund to be known 7421  
as the Franklin county probate court mental health fund. 7422

(B) The moneys in the Franklin county probate court mental 7423  
health fund shall be used for services to help ensure the 7424  
treatment of any person who is under the care of the board of 7425  
alcohol, drug addiction, and mental health services of Franklin 7426  
county ~~or~~, the Franklin county board of developmental 7427  
disabilities, or any other guardianships. These services include, 7428  
but are not limited to, involuntary commitment proceedings and the 7429  
establishment and management of adult guardianships, including all 7430  
associated expenses, for wards who are under the care of the board 7431  
of alcohol, drug addiction, and mental health services of Franklin 7432  
county ~~or~~, the Franklin county board of developmental 7433  
disabilities, or any other guardianships. 7434

(C) If the judge of the probate court of Franklin county 7435  
determines that some of the moneys in the Franklin county probate 7436  
court mental health fund are needed for the efficient operation of 7437  
that court, the moneys may be used for the acquisition of 7438  
equipment, the hiring and training of staff, community services 7439  
programs, volunteer guardianship training services, the employment 7440  
of magistrates, and other related services. 7441

(D) The moneys in the Franklin county probate court mental 7442  
health fund that may be used in part for the establishment and 7443  
management of adult guardianships under division (B) of this 7444  
section may be utilized to establish a Franklin county 7445  
guardianship service. 7446

(E)(1) A Franklin county guardianship service under division 7447  
(D) of this section is established by creating a Franklin county 7448  
guardianship service board comprised of three members. The judge 7449  
of the probate court of Franklin county shall appoint one member. 7450  
The board of directors of the Franklin county board of 7451

developmental disabilities shall appoint one member. The board of 7452  
directors of the board of alcohol, drug addiction, and mental 7453  
health services of Franklin county shall appoint one member. The 7454  
term of appointment of each member is four years. 7455

(2) The Franklin county guardianship service board may 7456  
appoint a director of the board. The board shall determine the 7457  
compensation of the director based on the availability of funds 7458  
contained in the Franklin county probate court mental health fund. 7459

(3) The members and the director, if any, of the Franklin 7460  
county guardianship service board may receive appointments from 7461  
the probate court of Franklin county to serve as guardians of both 7462  
the person and estate of wards. The director may hire employees 7463  
subject to available funds in the Franklin county probate court 7464  
mental health fund. 7465

(4) If a new director replaces a previously appointed 7466  
director of the Franklin county guardianship service board, the 7467  
new director shall replace the former director serving as a 7468  
guardian under division (E)(3) of this section without the need of 7469  
a successor guardianship hearing conducted by the probate court of 7470  
Franklin county so long as the wards are the same wards for both 7471  
the former director and the new director. 7472

(5) The Franklin county guardianship service board that is 7473  
created under division (E)(1) of this section shall promulgate all 7474  
rules and regulations necessary for the efficient operation of the 7475  
board and the Franklin county guardianship service. 7476

**Sec. 2151.417.** (A) Any court that issues a dispositional 7477  
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 7478  
Revised Code may review at any time the child's placement or 7479  
custody arrangement, the case plan prepared for the child pursuant 7480  
to section 2151.412 of the Revised Code, the actions of the public 7481  
children services agency or private child placing agency in 7482

implementing that case plan, the child's permanency plan if the 7483  
child's permanency plan has been approved, and any other aspects 7484  
of the child's placement or custody arrangement. In conducting the 7485  
review, the court shall determine the appropriateness of any 7486  
agency actions, the safety and appropriateness of continuing the 7487  
child's placement or custody arrangement, and whether any changes 7488  
should be made with respect to the child's permanency plan or 7489  
placement or custody arrangement or with respect to the actions of 7490  
the agency under the child's placement or custody arrangement. 7491  
Based upon the evidence presented at a hearing held after notice 7492  
to all parties and the guardian ad litem of the child, the court 7493  
may require the agency, the parents, guardian, or custodian of the 7494  
child, and the physical custodians of the child to take any 7495  
reasonable action that the court determines is necessary and in 7496  
the best interest of the child or to discontinue any action that 7497  
it determines is not in the best interest of the child. 7498

(B) If a court issues a dispositional order pursuant to 7499  
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 7500  
court has continuing jurisdiction over the child as set forth in 7501  
division (E)(1) of section 2151.353 of the Revised Code. The court 7502  
may amend a dispositional order in accordance with division (E)(2) 7503  
of section 2151.353 of the Revised Code at any time upon its own 7504  
motion or upon the motion of any interested party. The court shall 7505  
comply with section 2151.42 of the Revised Code in amending any 7506  
dispositional order pursuant to this division. 7507

(C) Any court that issues a dispositional order pursuant to 7508  
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 7509  
hold a review hearing one year after the earlier of the date on 7510  
which the complaint in the case was filed or the child was first 7511  
placed into shelter care to review the case plan prepared pursuant 7512  
to section 2151.412 of the Revised Code and the child's placement 7513  
or custody arrangement, to approve or review the permanency plan 7514

for the child, and to make changes to the case plan and placement 7515  
or custody arrangement consistent with the permanency plan. The 7516  
court shall schedule the review hearing at the time that it holds 7517  
the dispositional hearing pursuant to section 2151.35 of the 7518  
Revised Code. 7519

The court shall hold a similar review hearing no later than 7520  
every twelve months after the initial review hearing until the 7521  
child is adopted, returned to the parents, or the court otherwise 7522  
terminates the child's placement or custody arrangement, except 7523  
that the dispositional hearing held pursuant to section 2151.415 7524  
of the Revised Code shall take the place of the first review 7525  
hearing to be held under this section. The court shall schedule 7526  
each subsequent review hearing at the conclusion of the review 7527  
hearing immediately preceding the review hearing to be scheduled. 7528

(D) If, within fourteen days after a written summary of an 7529  
administrative review is filed with the court pursuant to section 7530  
2151.416 of the Revised Code, the court does not approve the 7531  
proposed change to the case plan filed pursuant to division (E) of 7532  
section 2151.416 of the Revised Code or a party or the guardian ad 7533  
litem requests a review hearing pursuant to division (E) of that 7534  
section, the court shall hold a review hearing in the same manner 7535  
that it holds review hearings pursuant to division (C) of this 7536  
section, except that if a review hearing is required by this 7537  
division and if a hearing is to be held pursuant to division (C) 7538  
of this section or section 2151.415 of the Revised Code, the 7539  
hearing held pursuant to division (C) of this section or section 7540  
2151.415 of the Revised Code shall take the place of the review 7541  
hearing required by this division. 7542

(E) If a court determines pursuant to section 2151.419 of the 7543  
Revised Code that a public children services agency or private 7544  
child placing agency is not required to make reasonable efforts to 7545  
prevent the removal of a child from the child's home, eliminate 7546

the continued removal of a child from the child's home, and return 7547  
the child to the child's home, and the court does not return the 7548  
child to the child's home pursuant to division (A)(3) of section 7549  
2151.419 of the Revised Code, the court shall hold a review 7550  
hearing to approve the permanency plan for the child and, if 7551  
appropriate, to make changes to the child's case plan and the 7552  
child's placement or custody arrangement consistent with the 7553  
permanency plan. The court may hold the hearing immediately 7554  
following the determination under section 2151.419 of the Revised 7555  
Code and shall hold it no later than thirty days after making that 7556  
determination. 7557

(F) The court shall give notice of the review hearings held 7558  
pursuant to this section to every interested party, including, but 7559  
not limited to, the appropriate agency employees who are 7560  
responsible for the child's care and planning, the child's 7561  
parents, any person who had guardianship or legal custody of the 7562  
child prior to the custody order, the child's guardian ad litem, 7563  
and the child. The court shall summon every interested party to 7564  
appear at the review hearing and give them an opportunity to 7565  
testify and to present other evidence with respect to the child's 7566  
custody arrangement, including, but not limited to, the following: 7567  
the case plan for the child; the permanency plan, if one exists; 7568  
the actions taken by the child's custodian; the need for a change 7569  
in the child's custodian or caseworker; and the need for any 7570  
specific action to be taken with respect to the child. The court 7571  
shall require any interested party to testify or present other 7572  
evidence when necessary to a proper determination of the issues 7573  
presented at the review hearing. In any review hearing that 7574  
pertains to a permanency plan for a child who will not be returned 7575  
to the parent, the court shall consider in-state and out-of-state 7576  
placement options and the court shall determine whether the 7577  
in-state or the out-of-state placement continues to be appropriate 7578  
and in the best interests of the child. In any review hearing that 7579

pertains to a permanency plan for a child, the court or a citizens 7580  
board appointed by the court pursuant to division (H) of this 7581  
section shall consult with the child, in an age-appropriate 7582  
manner, regarding the proposed permanency plan for the child. 7583

(G) After the review hearing, the court shall take the 7584  
following actions based upon the evidence presented: 7585

(1) If an administrative review has been conducted, determine 7586  
whether the conclusions of the review are supported by a 7587  
preponderance of the evidence and approve or modify the case plan 7588  
based upon that evidence; 7589

(2) If the hearing was held under division (C) or (E) of this 7590  
section, approve a permanency plan for the child that specifies 7591  
whether and, if applicable, when the child will be safely returned 7592  
home or placed for adoption, for legal custody, or in a planned 7593  
permanent living arrangement. A permanency plan approved after a 7594  
hearing under division (E) of this section shall not include any 7595  
provision requiring the child to be returned to the child's home. 7596

(3) If the child is in temporary custody, do all of the 7597  
following: 7598

(a) Determine whether the child can and should be returned 7599  
home with or without an order for protective supervision; 7600

(b) If the child can and should be returned home with or 7601  
without an order for protective supervision, terminate the order 7602  
for temporary custody; 7603

(c) If the child cannot or should not be returned home with 7604  
an order for protective supervision, determine whether the agency 7605  
currently with custody of the child should retain custody or 7606  
whether another public children services agency, private child 7607  
placing agency, or an individual should be given custody of the 7608  
child. 7609

The court shall comply with section 2151.42 of the Revised Code in taking any action under this division.

(4) If the child is in permanent custody, determine what actions are required by the custodial agency and of any other organizations or persons in order to facilitate an adoption of the child and make any appropriate orders with respect to the custody arrangement or conditions of the child, including, but not limited to, a transfer of permanent custody to another public children services agency or private child placing agency;

(5) Journalize the terms of the updated case plan for the child.

(H) The court may appoint a referee or a citizens review board to conduct the review hearings that the court is required by this section to conduct, subject to the review and approval by the court of any determinations made by the referee or citizens review board. If the court appoints a citizens review board to conduct the review hearings, the board shall consist of one member representing the general public and four members who are trained or experienced in the care or placement of children and have training or experience in the fields of medicine, psychology, social work, education, or any related field. Of the initial appointments to the board, two shall be for a term of one year, two shall be for a term of two years, and one shall be for a term of three years, with all the terms ending one year after the date on which the appointment was made. Thereafter, all terms of the board members shall be for three years and shall end on the same day of the same month of the year as did the term that they succeed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term.

(I) A copy of the court's determination following any review hearing held pursuant to this section shall be sent to the

custodial agency, the guardian ad litem of the child who is the 7642  
subject of the review hearing, and, if that child is not the 7643  
subject of a permanent commitment hearing, the parents of the 7644  
child. 7645

(J) If the hearing held under this section takes the place of 7646  
an administrative review that otherwise would have been held under 7647  
section 2151.416 of the Revised Code, the court at the hearing 7648  
held under this section shall do all of the following in addition 7649  
to any other requirements of this section: 7650

(1) Determine the continued necessity for and the safety and 7651  
appropriateness of the child's placement; 7652

(2) Determine the extent of compliance with the child's case 7653  
plan; 7654

(3) Determine the extent of progress that has been made 7655  
toward alleviating or mitigating the causes necessitating the 7656  
child's placement in foster care; 7657

(4) Project a likely date by which the child may be safely 7658  
returned home or placed for adoption or legal custody. 7659

(K)(1) Whenever the court is required to approve a permanency 7660  
plan under this section or section 2151.415 of the Revised Code, 7661  
the public children services agency or private child placing 7662  
agency that filed the complaint in the case, has custody of the 7663  
child, or will be given custody of the child shall develop a 7664  
permanency plan for the child. The agency must file the plan with 7665  
the court prior to the hearing under this section or section 7666  
2151.415 of the Revised Code. 7667

(2) The permanency plan developed by the agency must specify 7668  
whether and, if applicable, when the child will be safely returned 7669  
home or placed for adoption or legal custody. If the agency 7670  
determines that there is a compelling reason why returning the 7671  
child home or placing the child for adoption or legal custody is 7672



not in the best interest of the child, the plan shall provide that 7673  
the child will be placed in a planned permanent living 7674  
arrangement. A permanency plan developed as a result of a 7675  
determination made under division (A)(2) of section 2151.419 of 7676  
the Revised Code may not include any provision requiring the child 7677  
to be returned home. 7678

(3)(a) Whenever a court is required under this section or 7679  
section 2151.415 or 2151.419 of the Revised Code to conduct a 7680  
review hearing to approve a permanency plan, the court shall 7681  
determine whether the agency required to develop the plan has made 7682  
reasonable efforts to finalize it. If the court determines the 7683  
agency has not made reasonable efforts to finalize the plan, the 7684  
court shall issue an order finalizing a permanency plan requiring 7685  
the agency to use reasonable efforts to do the following: 7686

(i) Place the child in a timely manner into a permanent 7687  
placement; 7688

(ii) Complete whatever steps are necessary to finalize the 7689  
permanent placement of the child. 7690

(b) In making reasonable efforts as required in division 7691  
(K)(3)(a) of this section, the agency shall consider the child's 7692  
health and safety as the paramount concern. 7693

**Sec. 2151.421.** (A)(1)(a) No person described in division 7694  
(A)(1)(b) of this section who is acting in an official or 7695  
professional capacity and knows, or has reasonable cause to 7696  
suspect based on facts that would cause a reasonable person in a 7697  
similar position to suspect, that a child under eighteen years of 7698  
age or a mentally retarded, developmentally disabled, or 7699  
physically impaired child under twenty-one years of age has 7700  
suffered or faces a threat of suffering any physical or mental 7701  
wound, injury, disability, or condition of a nature that 7702  
reasonably indicates abuse or neglect of the child shall fail to 7703

immediately report that knowledge or reasonable cause to suspect 7704  
to the entity or persons specified in this division. Except as 7705  
provided in section 5120.173 of the Revised Code, the person 7706  
making the report shall make it to the public children services 7707  
agency or a municipal or county peace officer in the county in 7708  
which the child resides or in which the abuse or neglect is 7709  
occurring or has occurred. In the circumstances described in 7710  
section 5120.173 of the Revised Code, the person making the report 7711  
shall make it to the entity specified in that section. 7712

(b) Division (A)(1)(a) of this section applies to any person 7713  
who is an attorney; physician, including a hospital intern or 7714  
resident; dentist; podiatrist; practitioner of a limited branch of 7715  
medicine as specified in section 4731.15 of the Revised Code; 7716  
registered nurse; licensed practical nurse; visiting nurse; other 7717  
health care professional; licensed psychologist; licensed school 7718  
psychologist; independent marriage and family therapist or 7719  
marriage and family therapist; speech pathologist or audiologist; 7720  
coroner; administrator or employee of a child day-care center; 7721  
administrator or employee of a residential camp or child day camp; 7722  
administrator or employee of a certified child care agency or 7723  
other public or private children services agency; school teacher; 7724  
school employee; school authority; person engaged in social work 7725  
or the practice of professional counseling; agent of a county 7726  
humane society; person, other than a cleric, rendering spiritual 7727  
treatment through prayer in accordance with the tenets of a 7728  
well-recognized religion; employee of a county department of job 7729  
and family services who is a professional and who works with 7730  
children and families; superintendent or regional administrator 7731  
employed by the department of youth services; superintendent, 7732  
board member, or employee of a county board of developmental 7733  
disabilities; investigative agent contracted with by a county 7734  
board of developmental disabilities; employee of the department of 7735  
developmental disabilities; employee of a facility or home that 7736

provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services. 7737  
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(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding. 7744  
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(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply: 7752  
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(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age. 7761  
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(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client 7765  
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or patient has suffered or faces a threat of suffering any 7769  
physical or mental wound, injury, disability, or condition of a 7770  
nature that reasonably indicates abuse or neglect of the client or 7771  
patient. 7772

(c) The abuse or neglect does not arise out of the client's 7773  
or patient's attempt to have an abortion without the notification 7774  
of her parents, guardian, or custodian in accordance with section 7775  
2151.85 of the Revised Code. 7776

(4)(a) No cleric and no person, other than a volunteer, 7777  
designated by any church, religious society, or faith acting as a 7778  
leader, official, or delegate on behalf of the church, religious 7779  
society, or faith who is acting in an official or professional 7780  
capacity, who knows, or has reasonable cause to believe based on 7781  
facts that would cause a reasonable person in a similar position 7782  
to believe, that a child under eighteen years of age or a mentally 7783  
retarded, developmentally disabled, or physically impaired child 7784  
under twenty-one years of age has suffered or faces a threat of 7785  
suffering any physical or mental wound, injury, disability, or 7786  
condition of a nature that reasonably indicates abuse or neglect 7787  
of the child, and who knows, or has reasonable cause to believe 7788  
based on facts that would cause a reasonable person in a similar 7789  
position to believe, that another cleric or another person, other 7790  
than a volunteer, designated by a church, religious society, or 7791  
faith acting as a leader, official, or delegate on behalf of the 7792  
church, religious society, or faith caused, or poses the threat of 7793  
causing, the wound, injury, disability, or condition that 7794  
reasonably indicates abuse or neglect shall fail to immediately 7795  
report that knowledge or reasonable cause to believe to the entity 7796  
or persons specified in this division. Except as provided in 7797  
section 5120.173 of the Revised Code, the person making the report 7798  
shall make it to the public children services agency or a 7799  
municipal or county peace officer in the county in which the child 7800

resides or in which the abuse or neglect is occurring or has 7801  
occurred. In the circumstances described in section 5120.173 of 7802  
the Revised Code, the person making the report shall make it to 7803  
the entity specified in that section. 7804

(b) Except as provided in division (A)(4)(c) of this section, 7805  
a cleric is not required to make a report pursuant to division 7806  
(A)(4)(a) of this section concerning any communication the cleric 7807  
receives from a penitent in a cleric-penitent relationship, if, in 7808  
accordance with division (C) of section 2317.02 of the Revised 7809  
Code, the cleric could not testify with respect to that 7810  
communication in a civil or criminal proceeding. 7811

(c) The penitent in a cleric-penitent relationship described 7812  
in division (A)(4)(b) of this section is deemed to have waived any 7813  
testimonial privilege under division (C) of section 2317.02 of the 7814  
Revised Code with respect to any communication the cleric receives 7815  
from the penitent in that cleric-penitent relationship, and the 7816  
cleric shall make a report pursuant to division (A)(4)(a) of this 7817  
section with respect to that communication, if all of the 7818  
following apply: 7819

(i) The penitent, at the time of the communication, is either 7820  
a child under eighteen years of age or a mentally retarded, 7821  
developmentally disabled, or physically impaired person under 7822  
twenty-one years of age. 7823

(ii) The cleric knows, or has reasonable cause to believe 7824  
based on facts that would cause a reasonable person in a similar 7825  
position to believe, as a result of the communication or any 7826  
observations made during that communication, the penitent has 7827  
suffered or faces a threat of suffering any physical or mental 7828  
wound, injury, disability, or condition of a nature that 7829  
reasonably indicates abuse or neglect of the penitent. 7830

(iii) The abuse or neglect does not arise out of the 7831

penitent's attempt to have an abortion performed upon a child 7832  
under eighteen years of age or upon a mentally retarded, 7833  
developmentally disabled, or physically impaired person under 7834  
twenty-one years of age without the notification of her parents, 7835  
guardian, or custodian in accordance with section 2151.85 of the 7836  
Revised Code. 7837

(d) Divisions (A)(4)(a) and (c) of this section do not apply 7838  
in a cleric-penitent relationship when the disclosure of any 7839  
communication the cleric receives from the penitent is in 7840  
violation of the sacred trust. 7841

(e) As used in divisions (A)(1) and (4) of this section, 7842  
"cleric" and "sacred trust" have the same meanings as in section 7843  
2317.02 of the Revised Code. 7844

(B) Anyone who knows, or has reasonable cause to suspect 7845  
based on facts that would cause a reasonable person in similar 7846  
circumstances to suspect, that a child under eighteen years of age 7847  
or a mentally retarded, developmentally disabled, or physically 7848  
impaired person under twenty-one years of age has suffered or 7849  
faces a threat of suffering any physical or mental wound, injury, 7850  
disability, or other condition of a nature that reasonably 7851  
indicates abuse or neglect of the child may report or cause 7852  
reports to be made of that knowledge or reasonable cause to 7853  
suspect to the entity or persons specified in this division. 7854  
Except as provided in section 5120.173 of the Revised Code, a 7855  
person making a report or causing a report to be made under this 7856  
division shall make it or cause it to be made to the public 7857  
children services agency or to a municipal or county peace 7858  
officer. In the circumstances described in section 5120.173 of the 7859  
Revised Code, a person making a report or causing a report to be 7860  
made under this division shall make it or cause it to be made to 7861  
the entity specified in that section. 7862

(C) Any report made pursuant to division (A) or (B) of this 7863

section shall be made forthwith either by telephone or in person 7864  
and shall be followed by a written report, if requested by the 7865  
receiving agency or officer. The written report shall contain: 7866

(1) The names and addresses of the child and the child's 7867  
parents or the person or persons having custody of the child, if 7868  
known; 7869

(2) The child's age and the nature and extent of the child's 7870  
injuries, abuse, or neglect that is known or reasonably suspected 7871  
or believed, as applicable, to have occurred or of the threat of 7872  
injury, abuse, or neglect that is known or reasonably suspected or 7873  
believed, as applicable, to exist, including any evidence of 7874  
previous injuries, abuse, or neglect; 7875

(3) Any other information that might be helpful in 7876  
establishing the cause of the injury, abuse, or neglect that is 7877  
known or reasonably suspected or believed, as applicable, to have 7878  
occurred or of the threat of injury, abuse, or neglect that is 7879  
known or reasonably suspected or believed, as applicable, to 7880  
exist. 7881

Any person, who is required by division (A) of this section 7882  
to report child abuse or child neglect that is known or reasonably 7883  
suspected or believed to have occurred, may take or cause to be 7884  
taken color photographs of areas of trauma visible on a child and, 7885  
if medically indicated, cause to be performed radiological 7886  
examinations of the child. 7887

(D) As used in this division, "children's advocacy center" 7888  
and "sexual abuse of a child" have the same meanings as in section 7889  
2151.425 of the Revised Code. 7890

(1) When a municipal or county peace officer receives a 7891  
report concerning the possible abuse or neglect of a child or the 7892  
possible threat of abuse or neglect of a child, upon receipt of 7893  
the report, the municipal or county peace officer who receives the 7894

report shall refer the report to the appropriate public children services agency. 7895  
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(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following: 7897  
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(a) Comply with section 2151.422 of the Revised Code; 7901

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center. 7902  
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(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code. 7913  
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(F)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 7924  
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2151.428 of the Revised Code that applies to the particular 7926  
report, the public children services agency shall investigate, 7927  
within twenty-four hours, each report of child abuse or child 7928  
neglect that is known or reasonably suspected or believed to have 7929  
occurred and of a threat of child abuse or child neglect that is 7930  
known or reasonably suspected or believed to exist that is 7931  
referred to it under this section to determine the circumstances 7932  
surrounding the injuries, abuse, or neglect or the threat of 7933  
injury, abuse, or neglect, the cause of the injuries, abuse, 7934  
neglect, or threat, and the person or persons responsible. The 7935  
investigation shall be made in cooperation with the law 7936  
enforcement agency and in accordance with the memorandum of 7937  
understanding prepared under division (J) of this section. A 7938  
representative of the public children services agency shall, at 7939  
the time of initial contact with the person subject to the 7940  
investigation, inform the person of the specific complaints or 7941  
allegations made against the person. The information shall be 7942  
given in a manner that is consistent with division (H)(1) of this 7943  
section and protects the rights of the person making the report 7944  
under this section. 7945

A failure to make the investigation in accordance with the 7946  
memorandum is not grounds for, and shall not result in, the 7947  
dismissal of any charges or complaint arising from the report or 7948  
the suppression of any evidence obtained as a result of the report 7949  
and does not give, and shall not be construed as giving, any 7950  
rights or any grounds for appeal or post-conviction relief to any 7951  
person. The public children services agency shall report each case 7952  
to the uniform statewide automated child welfare information 7953  
system that the department of job and family services shall 7954  
maintain in accordance with section 5101.13 of the Revised Code. 7955  
The public children services agency shall submit a report of its 7956  
investigation, in writing, to the law enforcement agency. 7957

(2) The public children services agency shall make any 7958  
recommendations to the county prosecuting attorney or city 7959  
director of law that it considers necessary to protect any 7960  
children that are brought to its attention. 7961

(G)(1)(a) Except as provided in division (H)(3) of this 7962  
section, anyone or any hospital, institution, school, health 7963  
department, or agency participating in the making of reports under 7964  
division (A) of this section, anyone or any hospital, institution, 7965  
school, health department, or agency participating in good faith 7966  
in the making of reports under division (B) of this section, and 7967  
anyone participating in good faith in a judicial proceeding 7968  
resulting from the reports, shall be immune from any civil or 7969  
criminal liability for injury, death, or loss to person or 7970  
property that otherwise might be incurred or imposed as a result 7971  
of the making of the reports or the participation in the judicial 7972  
proceeding. 7973

(b) Notwithstanding section 4731.22 of the Revised Code, the 7974  
physician-patient privilege shall not be a ground for excluding 7975  
evidence regarding a child's injuries, abuse, or neglect, or the 7976  
cause of the injuries, abuse, or neglect in any judicial 7977  
proceeding resulting from a report submitted pursuant to this 7978  
section. 7979

(2) In any civil or criminal action or proceeding in which it 7980  
is alleged and proved that participation in the making of a report 7981  
under this section was not in good faith or participation in a 7982  
judicial proceeding resulting from a report made under this 7983  
section was not in good faith, the court shall award the 7984  
prevailing party reasonable attorney's fees and costs and, if a 7985  
civil action or proceeding is voluntarily dismissed, may award 7986  
reasonable attorney's fees and costs to the party against whom the 7987  
civil action or proceeding is brought. 7988

(H)(1) Except as provided in divisions (H)(4) and (N) of this 7989

section, a report made under this section is confidential. The 7990  
information provided in a report made pursuant to this section and 7991  
the name of the person who made the report shall not be released 7992  
for use, and shall not be used, as evidence in any civil action or 7993  
proceeding brought against the person who made the report. Nothing 7994  
in this division shall preclude the use of reports of other 7995  
incidents of known or suspected abuse or neglect in a civil action 7996  
or proceeding brought pursuant to division (M) of this section 7997  
against a person who is alleged to have violated division (A)(1) 7998  
of this section, provided that any information in a report that 7999  
would identify the child who is the subject of the report or the 8000  
maker of the report, if the maker of the report is not the 8001  
defendant or an agent or employee of the defendant, has been 8002  
redacted. In a criminal proceeding, the report is admissible in 8003  
evidence in accordance with the Rules of Evidence and is subject 8004  
to discovery in accordance with the Rules of Criminal Procedure. 8005

(2) No person shall permit or encourage the unauthorized 8006  
dissemination of the contents of any report made under this 8007  
section. 8008

(3) A person who knowingly makes or causes another person to 8009  
make a false report under division (B) of this section that 8010  
alleges that any person has committed an act or omission that 8011  
resulted in a child being an abused child or a neglected child is 8012  
guilty of a violation of section 2921.14 of the Revised Code. 8013

(4) If a report is made pursuant to division (A) or (B) of 8014  
this section and the child who is the subject of the report dies 8015  
for any reason at any time after the report is made, but before 8016  
the child attains eighteen years of age, the public children 8017  
services agency or municipal or county peace officer to which the 8018  
report was made or referred, on the request of the child fatality 8019  
review board, shall submit a summary sheet of information 8020  
providing a summary of the report to the review board of the 8021

county in which the deceased child resided at the time of death. 8022  
On the request of the review board, the agency or peace officer 8023  
may, at its discretion, make the report available to the review 8024  
board. If the county served by the public children services agency 8025  
is also served by a children's advocacy center and the report of 8026  
alleged sexual abuse of a child or another type of abuse of a 8027  
child is specified in the memorandum of understanding that creates 8028  
the center as being within the center's jurisdiction, the agency 8029  
or center shall perform the duties and functions specified in this 8030  
division in accordance with the interagency agreement entered into 8031  
under section 2151.428 of the Revised Code relative to that 8032  
advocacy center. 8033

(5) A public children services agency shall advise a person 8034  
alleged to have inflicted abuse or neglect on a child who is the 8035  
subject of a report made pursuant to this section, including a 8036  
report alleging sexual abuse of a child or another type of abuse 8037  
of a child referred to a children's advocacy center pursuant to an 8038  
interagency agreement entered into under section 2151.428 of the 8039  
Revised Code, in writing of the disposition of the investigation. 8040  
The agency shall not provide to the person any information that 8041  
identifies the person who made the report, statements of 8042  
witnesses, or police or other investigative reports. 8043

(I) Any report that is required by this section, other than a 8044  
report that is made to the state highway patrol as described in 8045  
section 5120.173 of the Revised Code, shall result in protective 8046  
services and emergency supportive services being made available by 8047  
the public children services agency on behalf of the children 8048  
about whom the report is made, in an effort to prevent further 8049  
neglect or abuse, to enhance their welfare, and, whenever 8050  
possible, to preserve the family unit intact. The agency required 8051  
to provide the services shall be the agency conducting the 8052  
investigation of the report pursuant to section 2151.422 of the 8053

Revised Code. 8054

(J)(1) Each public children services agency shall prepare a 8055  
memorandum of understanding that is signed by all of the 8056  
following: 8057

(a) If there is only one juvenile judge in the county, the 8058  
juvenile judge of the county or the juvenile judge's 8059  
representative; 8060

(b) If there is more than one juvenile judge in the county, a 8061  
juvenile judge or the juvenile judges' representative selected by 8062  
the juvenile judges or, if they are unable to do so for any 8063  
reason, the juvenile judge who is senior in point of service or 8064  
the senior juvenile judge's representative; 8065

(c) The county peace officer; 8066

(d) All chief municipal peace officers within the county; 8067

(e) Other law enforcement officers handling child abuse and 8068  
neglect cases in the county; 8069

(f) The prosecuting attorney of the county; 8070

(g) If the public children services agency is not the county 8071  
department of job and family services, the county department of 8072  
job and family services; 8073

(h) The county humane society; 8074

(i) If the public children services agency participated in 8075  
the execution of a memorandum of understanding under section 8076  
2151.426 of the Revised Code establishing a children's advocacy 8077  
center, each participating member of the children's advocacy 8078  
center established by the memorandum. 8079

(2) A memorandum of understanding shall set forth the normal 8080  
operating procedure to be employed by all concerned officials in 8081  
the execution of their respective responsibilities under this 8082  
section and division (C) of section 2919.21, division (B)(1) of 8083

section 2919.22, division (B) of section 2919.23, and section 8084  
2919.24 of the Revised Code and shall have as two of its primary 8085  
goals the elimination of all unnecessary interviews of children 8086  
who are the subject of reports made pursuant to division (A) or 8087  
(B) of this section and, when feasible, providing for only one 8088  
interview of a child who is the subject of any report made 8089  
pursuant to division (A) or (B) of this section. A failure to 8090  
follow the procedure set forth in the memorandum by the concerned 8091  
officials is not grounds for, and shall not result in, the 8092  
dismissal of any charges or complaint arising from any reported 8093  
case of abuse or neglect or the suppression of any evidence 8094  
obtained as a result of any reported child abuse or child neglect 8095  
and does not give, and shall not be construed as giving, any 8096  
rights or any grounds for appeal or post-conviction relief to any 8097  
person. 8098

(3) A memorandum of understanding shall include all of the 8099  
following: 8100

(a) The roles and responsibilities for handling emergency and 8101  
nonemergency cases of abuse and neglect; 8102

(b) Standards and procedures to be used in handling and 8103  
coordinating investigations of reported cases of child abuse and 8104  
reported cases of child neglect, methods to be used in 8105  
interviewing the child who is the subject of the report and who 8106  
allegedly was abused or neglected, and standards and procedures 8107  
addressing the categories of persons who may interview the child 8108  
who is the subject of the report and who allegedly was abused or 8109  
neglected. 8110

(4) If a public children services agency participated in the 8111  
execution of a memorandum of understanding under section 2151.426 8112  
of the Revised Code establishing a children's advocacy center, the 8113  
agency shall incorporate the contents of that memorandum in the 8114  
memorandum prepared pursuant to this section. 8115

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (J)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(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.

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.

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 divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect



children from child abuse and child neglect. 8178

(M) Whoever violates division (A) of this section is liable 8179  
for compensatory and exemplary damages to the child who would have 8180  
been the subject of the report that was not made. A person who 8181  
brings a civil action or proceeding pursuant to this division 8182  
against a person who is alleged to have violated division (A)(1) 8183  
of this section may use in the action or proceeding reports of 8184  
other incidents of known or suspected abuse or neglect, provided 8185  
that any information in a report that would identify the child who 8186  
is the subject of the report or the maker of the report, if the 8187  
maker is not the defendant or an agent or employee of the 8188  
defendant, has been redacted. 8189

(N)(1) As used in this division: 8190

(a) "Out-of-home care" includes a nonchartered nonpublic 8191  
school if the alleged child abuse or child neglect, or alleged 8192  
threat of child abuse or child neglect, described in a report 8193  
received by a public children services agency allegedly occurred 8194  
in or involved the nonchartered nonpublic school and the alleged 8195  
perpetrator named in the report holds a certificate, permit, or 8196  
license issued by the state board of education under section 8197  
3301.071 or Chapter 3319. of the Revised Code. 8198

(b) "Administrator, director, or other chief administrative 8199  
officer" means the superintendent of the school district if the 8200  
out-of-home care entity subject to a report made pursuant to this 8201  
section is a school operated by the district. 8202

(2) No later than the end of the day following the day on 8203  
which a public children services agency receives a report of 8204  
alleged child abuse or child neglect, or a report of an alleged 8205  
threat of child abuse or child neglect, that allegedly occurred in 8206  
or involved an out-of-home care entity, the agency shall provide 8207  
written notice of the allegations contained in and the person 8208

named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(O) As used in this section, "investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent

child, the court may make any of the following orders of 8240  
disposition, in addition to any other disposition authorized or 8241  
required by this chapter: 8242

(1) Any order that is authorized by section 2151.353 of the 8243  
Revised Code for the care and protection of an abused, neglected, 8244  
or dependent child; 8245

(2) Commit the child to the temporary custody of any school, 8246  
camp, institution, or other facility operated for the care of 8247  
delinquent children by the county, by a district organized under 8248  
section 2152.41 or 2151.65 of the Revised Code, or by a private 8249  
agency or organization, within or without the state, that is 8250  
authorized and qualified to provide the care, treatment, or 8251  
placement required, including, but not limited to, a school, camp, 8252  
or facility operated under section 2151.65 of the Revised Code; 8253

(3) Place the child in a detention facility or district 8254  
detention facility operated under section 2152.41 of the Revised 8255  
Code, for up to ninety days; 8256

(4) Place the child on community control under any sanctions, 8257  
services, and conditions that the court prescribes. As a condition 8258  
of community control in every case and in addition to any other 8259  
condition that it imposes upon the child, the court shall require 8260  
the child to abide by the law during the period of community 8261  
control. As referred to in this division, community control 8262  
includes, but is not limited to, the following sanctions and 8263  
conditions: 8264

(a) A period of basic probation supervision in which the 8265  
child is required to maintain contact with a person appointed to 8266  
supervise the child in accordance with sanctions imposed by the 8267  
court; 8268

(b) A period of intensive probation supervision in which the 8269  
child is required to maintain frequent contact with a person 8270

appointed by the court to supervise the child while the child is 8271  
seeking or maintaining employment and participating in training, 8272  
education, and treatment programs as the order of disposition; 8273

(c) A period of day reporting in which the child is required 8274  
each day to report to and leave a center or another approved 8275  
reporting location at specified times in order to participate in 8276  
work, education or training, treatment, and other approved 8277  
programs at the center or outside the center; 8278

(d) A period of community service of up to five hundred hours 8279  
for an act that would be a felony or a misdemeanor of the first 8280  
degree if committed by an adult, up to two hundred hours for an 8281  
act that would be a misdemeanor of the second, third, or fourth 8282  
degree if committed by an adult, or up to thirty hours for an act 8283  
that would be a minor misdemeanor if committed by an adult; 8284

(e) A requirement that the child obtain a high school 8285  
diploma, a certificate of high school equivalence, vocational 8286  
training, or employment; 8287

(f) A period of drug and alcohol use monitoring; 8288

(g) A requirement of alcohol or drug assessment or 8289  
counseling, or a period in an alcohol or drug treatment program 8290  
with a level of security for the child as determined necessary by 8291  
the court; 8292

(h) A period in which the court orders the child to observe a 8293  
curfew that may involve daytime or evening hours; 8294

(i) A requirement that the child serve monitored time; 8295

(j) A period of house arrest without electronic monitoring or 8296  
continuous alcohol monitoring; 8297

(k) A period of electronic monitoring or continuous alcohol 8298  
monitoring without house arrest, or house arrest with electronic 8299  
monitoring or continuous alcohol monitoring or both electronic 8300

monitoring and continuous alcohol monitoring, that does not exceed 8301  
the maximum sentence of imprisonment that could be imposed upon an 8302  
adult who commits the same act. 8303

A period of house arrest with electronic monitoring or 8304  
continuous alcohol monitoring or both electronic monitoring and 8305  
continuous alcohol monitoring, imposed under this division shall 8306  
not extend beyond the child's twenty-first birthday. If a court 8307  
imposes a period of house arrest with electronic monitoring or 8308  
continuous alcohol monitoring or both electronic monitoring and 8309  
continuous alcohol monitoring, upon a child under this division, 8310  
it shall require the child: to remain in the child's home or other 8311  
specified premises for the entire period of house arrest with 8312  
electronic monitoring or continuous alcohol monitoring or both 8313  
except when the court permits the child to leave those premises to 8314  
go to school or to other specified premises. Regarding electronic 8315  
monitoring, the court also shall require the child to be monitored 8316  
by a central system that can determine the child's location at 8317  
designated times; to report periodically to a person designated by 8318  
the court; and to enter into a written contract with the court 8319  
agreeing to comply with all requirements imposed by the court, 8320  
agreeing to pay any fee imposed by the court for the costs of the 8321  
house arrest with electronic monitoring, and agreeing to waive the 8322  
right to receive credit for any time served on house arrest with 8323  
electronic monitoring toward the period of any other dispositional 8324  
order imposed upon the child if the child violates any of the 8325  
requirements of the dispositional order of house arrest with 8326  
electronic monitoring. The court also may impose other reasonable 8327  
requirements upon the child. 8328

Unless ordered by the court, a child shall not receive credit 8329  
for any time served on house arrest with electronic monitoring or 8330  
continuous alcohol monitoring or both toward any other 8331  
dispositional order imposed upon the child for the act for which 8332

was imposed the dispositional order of house arrest with 8333  
electronic monitoring or continuous alcohol monitoring. As used in 8334  
this division and division (A)(4)(1) of this section, "continuous 8335  
alcohol monitoring" has the same meaning as in section 2929.01 of 8336  
the Revised Code. 8337

(1) A suspension of the driver's license, probationary 8338  
driver's license, or temporary instruction permit issued to the 8339  
child for a period of time prescribed by the court, or a 8340  
suspension of the registration of all motor vehicles registered in 8341  
the name of the child for a period of time prescribed by the 8342  
court. A child whose license or permit is so suspended is 8343  
ineligible for issuance of a license or permit during the period 8344  
of suspension. At the end of the period of suspension, the child 8345  
shall not be reissued a license or permit until the child has paid 8346  
any applicable reinstatement fee and complied with all 8347  
requirements governing license reinstatement. 8348

(5) Commit the child to the custody of the court; 8349

(6) Require the child to not be absent without legitimate 8350  
excuse from the public school the child is supposed to attend for 8351  
five or more consecutive days, seven or more school days in one 8352  
school month, or twelve or more school days in a school year; 8353

(7)(a) If a child is adjudicated a delinquent child for being 8354  
a chronic truant or a habitual truant who previously has been 8355  
adjudicated an unruly child for being a habitual truant, do either 8356  
or both of the following: 8357

(i) Require the child to participate in a truancy prevention 8358  
mediation program; 8359

(ii) Make any order of disposition as authorized by this 8360  
section, except that the court shall not commit the child to a 8361  
facility described in division (A)(2) or (3) of this section 8362  
unless the court determines that the child violated a lawful court 8363

order made pursuant to division (C)(1)(e) of section 2151.354 of 8364  
the Revised Code or division (A)(6) of this section. 8365

(b) If a child is adjudicated a delinquent child for being a 8366  
chronic truant or a habitual truant who previously has been 8367  
adjudicated an unruly child for being a habitual truant and the 8368  
court determines that the parent, guardian, or other person having 8369  
care of the child has failed to cause the child's attendance at 8370  
school in violation of section 3321.38 of the Revised Code, do 8371  
either or both of the following: 8372

(i) Require the parent, guardian, or other person having care 8373  
of the child to participate in a truancy prevention mediation 8374  
program; 8375

(ii) Require the parent, guardian, or other person having 8376  
care of the child to participate in any community service program, 8377  
preferably a community service program that requires the 8378  
involvement of the parent, guardian, or other person having care 8379  
of the child in the school attended by the child. 8380

(8) Make any further disposition that the court finds proper, 8381  
except that the child shall not be placed in ~~any of the following:~~ 8382

~~(a) A a state correctional institution, a county,~~ 8383  
~~multicounty, or municipal jail or workhouse, or another place in~~ 8384  
~~which an adult convicted of a crime, under arrest, or charged with~~ 8385  
~~a crime is held;~~ 8386

~~(b) A community corrections facility, if the child would be~~ 8387  
~~covered by the definition of public safety beds for purposes of~~ 8388  
~~sections 5139.41 to 5139.43 of the Revised Code if the court~~ 8389  
~~exercised its authority to commit the child to the legal custody~~ 8390  
~~of the department of youth services for institutionalization or~~ 8391  
~~institutionalization in a secure facility pursuant to this~~ 8392  
~~chapter.~~ 8393

(B) If a child is adjudicated a delinquent child, in addition 8394

to any order of disposition made under division (A) of this 8395  
section, the court, in the following situations and for the 8396  
specified periods of time, shall suspend the child's temporary 8397  
instruction permit, restricted license, probationary driver's 8398  
license, or nonresident operating privilege, or suspend the 8399  
child's ability to obtain such a permit: 8400

(1) If the child is adjudicated a delinquent child for 8401  
violating section 2923.122 of the Revised Code, impose a class 8402  
four suspension of the child's license, permit, or privilege from 8403  
the range specified in division (A)(4) of section 4510.02 of the 8404  
Revised Code or deny the child the issuance of a license or permit 8405  
in accordance with division (F)(1) of section 2923.122 of the 8406  
Revised Code. 8407

(2) If the child is adjudicated a delinquent child for 8408  
committing an act that if committed by an adult would be a drug 8409  
abuse offense or for violating division (B) of section 2917.11 of 8410  
the Revised Code, suspend the child's license, permit, or 8411  
privilege for a period of time prescribed by the court. The court, 8412  
in its discretion, may terminate the suspension if the child 8413  
attends and satisfactorily completes a drug abuse or alcohol abuse 8414  
education, intervention, or treatment program specified by the 8415  
court. During the time the child is attending a program described 8416  
in this division, the court shall retain the child's temporary 8417  
instruction permit, probationary driver's license, or driver's 8418  
license, and the court shall return the permit or license if it 8419  
terminates the suspension as described in this division. 8420

(C) The court may establish a victim-offender mediation 8421  
program in which victims and their offenders meet to discuss the 8422  
offense and suggest possible restitution. If the court obtains the 8423  
assent of the victim of the delinquent act committed by the child, 8424  
the court may require the child to participate in the program. 8425

(D)(1) If a child is adjudicated a delinquent child for 8426



committing an act that would be a felony if committed by an adult 8427  
and if the child caused, attempted to cause, threatened to cause, 8428  
or created a risk of physical harm to the victim of the act, the 8429  
court, prior to issuing an order of disposition under this 8430  
section, shall order the preparation of a victim impact statement 8431  
by the probation department of the county in which the victim of 8432  
the act resides, by the court's own probation department, or by a 8433  
victim assistance program that is operated by the state, a county, 8434  
a municipal corporation, or another governmental entity. The court 8435  
shall consider the victim impact statement in determining the 8436  
order of disposition to issue for the child. 8437

(2) Each victim impact statement shall identify the victim of 8438  
the act for which the child was adjudicated a delinquent child, 8439  
itemize any economic loss suffered by the victim as a result of 8440  
the act, identify any physical injury suffered by the victim as a 8441  
result of the act and the seriousness and permanence of the 8442  
injury, identify any change in the victim's personal welfare or 8443  
familial relationships as a result of the act and any 8444  
psychological impact experienced by the victim or the victim's 8445  
family as a result of the act, and contain any other information 8446  
related to the impact of the act upon the victim that the court 8447  
requires. 8448

(3) A victim impact statement shall be kept confidential and 8449  
is not a public record. However, the court may furnish copies of 8450  
the statement to the department of youth services if the 8451  
delinquent child is committed to the department or to both the 8452  
adjudicated delinquent child or the adjudicated delinquent child's 8453  
counsel and the prosecuting attorney. The copy of a victim impact 8454  
statement furnished by the court to the department pursuant to 8455  
this section shall be kept confidential and is not a public 8456  
record. If an officer is preparing pursuant to section 2947.06 or 8457  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 8458

investigation report pertaining to a person, the court shall make 8459  
available to the officer, for use in preparing the report, a copy 8460  
of any victim impact statement regarding that person. The copies 8461  
of a victim impact statement that are made available to the 8462  
adjudicated delinquent child or the adjudicated delinquent child's 8463  
counsel and the prosecuting attorney pursuant to this division 8464  
shall be returned to the court by the person to whom they were 8465  
made available immediately following the imposition of an order of 8466  
disposition for the child under this chapter. 8467

The copy of a victim impact statement that is made available 8468  
pursuant to this division to an officer preparing a criminal 8469  
presentence investigation report shall be returned to the court by 8470  
the officer immediately following its use in preparing the report. 8471

(4) The department of youth services shall work with local 8472  
probation departments and victim assistance programs to develop a 8473  
standard victim impact statement. 8474

(E) If a child is adjudicated a delinquent child for being a 8475  
chronic truant or a habitual truant who previously has been 8476  
adjudicated an unruly child for being a habitual truant and the 8477  
court determines that the parent, guardian, or other person having 8478  
care of the child has failed to cause the child's attendance at 8479  
school in violation of section 3321.38 of the Revised Code, in 8480  
addition to any order of disposition it makes under this section, 8481  
the court shall warn the parent, guardian, or other person having 8482  
care of the child that any subsequent adjudication of the child as 8483  
an unruly or delinquent child for being a habitual or chronic 8484  
truant may result in a criminal charge against the parent, 8485  
guardian, or other person having care of the child for a violation 8486  
of division (C) of section 2919.21 or section 2919.24 of the 8487  
Revised Code. 8488

(F)(1) During the period of a delinquent child's community 8489  
control granted under this section, authorized probation officers 8490

who are engaged within the scope of their supervisory duties or 8491  
responsibilities may search, with or without a warrant, the person 8492  
of the delinquent child, the place of residence of the delinquent 8493  
child, and a motor vehicle, another item of tangible or intangible 8494  
personal property, or other real property in which the delinquent 8495  
child has a right, title, or interest or for which the delinquent 8496  
child has the express or implied permission of a person with a 8497  
right, title, or interest to use, occupy, or possess if the 8498  
probation officers have reasonable grounds to believe that the 8499  
delinquent child is not abiding by the law or otherwise is not 8500  
complying with the conditions of the delinquent child's community 8501  
control. The court that places a delinquent child on community 8502  
control under this section shall provide the delinquent child with 8503  
a written notice that informs the delinquent child that authorized 8504  
probation officers who are engaged within the scope of their 8505  
supervisory duties or responsibilities may conduct those types of 8506  
searches during the period of community control if they have 8507  
reasonable grounds to believe that the delinquent child is not 8508  
abiding by the law or otherwise is not complying with the 8509  
conditions of the delinquent child's community control. The court 8510  
also shall provide the written notice described in division (E)(2) 8511  
of this section to each parent, guardian, or custodian of the 8512  
delinquent child who is described in that division. 8513

(2) The court that places a child on community control under 8514  
this section shall provide the child's parent, guardian, or other 8515  
custodian with a written notice that informs them that authorized 8516  
probation officers may conduct searches pursuant to division 8517  
(E)(1) of this section. The notice shall specifically state that a 8518  
permissible search might extend to a motor vehicle, another item 8519  
of tangible or intangible personal property, or a place of 8520  
residence or other real property in which a notified parent, 8521  
guardian, or custodian has a right, title, or interest and that 8522  
the parent, guardian, or custodian expressly or impliedly permits 8523

the child to use, occupy, or possess. 8524

(G) If a juvenile court commits a delinquent child to the 8525  
custody of any person, organization, or entity pursuant to this 8526  
section and if the delinquent act for which the child is so 8527  
committed is a sexually oriented offense or is a child-victim 8528  
oriented offense, the court in the order of disposition shall do 8529  
one of the following: 8530

(1) Require that the child be provided treatment as described 8531  
in division (A)(2) of section 5139.13 of the Revised Code; 8532

(2) Inform the person, organization, or entity that it is the 8533  
preferred course of action in this state that the child be 8534  
provided treatment as described in division (A)(2) of section 8535  
5139.13 of the Revised Code and encourage the person, 8536  
organization, or entity to provide that treatment. 8537

**Sec. 2305.09.** Except as provided for in division (C) of this 8538  
section, an action for any of the following causes shall be 8539  
brought within four years after the cause thereof accrued: 8540

(A) For trespassing upon real property; 8541

(B) For the recovery of personal property, or for taking or 8542  
detaining it; 8543

(C) For relief on the ground of fraud, except when the cause 8544  
of action is a violation of section 2913.49 of the Revised Code, 8545  
in which case the action shall be brought within five years after 8546  
the cause thereof accrued; 8547

(D) For an injury to the rights of the plaintiff not arising 8548  
on contract nor enumerated in sections 1304.35, 2305.10 to 8549  
2305.12, and 2305.14 of the Revised Code; 8550

(E) For relief on the grounds of a physical or regulatory 8551  
taking of real property. 8552

If the action is for trespassing under ground or injury to mines, or for the wrongful taking of personal property, the causes thereof shall not accrue until the wrongdoer is discovered; nor, if it is for fraud, until the fraud is discovered.

An action for professional negligence against a registered surveyor shall be commenced within four years after the completion of the engagement on which the cause of action is based.

**Sec. 2710.06.** (A) Except as provided in division (B) of this section and section 3109.052 of the Revised Code, a mediator shall not make a report, assessment, evaluation, recommendation, finding, or other communication regarding a mediation to a court, department, agency, or officer of this state or its political subdivisions that may make a ruling on the dispute that is the subject of the mediation.

(B) A mediator may disclose any of the following:

(1) Whether the mediation occurred or has terminated, whether a settlement was reached, and attendance;

(2) A mediation communication as permitted by section ~~2710.07~~ 2710.05 of the Revised Code;

(3) A mediation communication evidencing abuse, neglect, abandonment, or exploitation of an individual to a public agency responsible for protecting individuals against abuse, neglect, abandonment, or exploitation.

(C) A communication made in violation of division (A) of this section shall not be considered by a court, administrative agency, or arbitrator.

**Sec. 2743.191.** (A)(1) There is hereby created in the state treasury the reparations fund, which shall be used only for the following purposes:

(a) The payment of awards of reparations that are granted by the attorney general;	8582 8583
(b) The compensation of any personnel needed by the attorney general to administer sections 2743.51 to 2743.72 of the Revised Code;	8584 8585 8586
(c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code;	8587 8588
(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;	8589 8590
(e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;	8591 8592
(f) The costs of investigation and decision-making as certified by the attorney general;	8593 8594
(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	8595 8596 8597
(h) The costs of paying the expenses of sex offense-related examinations <del>and</del> , <u>antibiotics, and HIV post-exposure prophylaxis</u> pursuant to section 2907.28 of the Revised Code;	8598 8599 8600
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	8601 8602 8603
(j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code;	8604 8605 8606 8607 8608 8609
(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of	8610 8611

the Revised Code, of performing DNA analysis of those DNA 8612  
specimens, and of entering the resulting DNA records regarding 8613  
those analyses into the DNA database pursuant to section 109.573 8614  
of the Revised Code; 8615

(l) The payment of actual costs associated with initiatives 8616  
by the attorney general for the apprehension, prosecution, and 8617  
accountability of offenders, and the enhancing of services to 8618  
crime victims. The amount of payments made pursuant to division 8619  
(A)(1)(1) of this section during any given fiscal year shall not 8620  
exceed five per cent of the balance of the reparations fund at the 8621  
close of the immediately previous fiscal year; 8622

(m) The costs of administering the adult parole authority's 8623  
supervision pursuant to division (E) of section 2971.05 of the 8624  
Revised Code of sexually violent predators who are sentenced to a 8625  
prison term pursuant to division (A)(3) of section 2971.03 of the 8626  
Revised Code and of offenders who are sentenced to a prison term 8627  
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 8628  
(c), or (B)(3)(a), (b), (c), or (d) of that section; 8629

(n) Subject to the limit set forth in those sections, the 8630  
costs of the installation and monitoring of an electronic 8631  
monitoring device used in the monitoring of a respondent pursuant 8632  
to an electronic monitoring order issued by a court under division 8633  
(E)(1)(b) of section 2151.34 or division (E)(1)(b) of section 8634  
2903.214 of the Revised Code if the court determines that the 8635  
respondent is indigent or used in the monitoring of an offender 8636  
pursuant to an electronic monitoring order issued under division 8637  
(B)(5) of section 2919.27 of the Revised Code if the court 8638  
determines that the offender is indigent. 8639

(2) All costs paid pursuant to section 2743.70 of the Revised 8640  
Code, the portions of license reinstatement fees mandated by 8641  
division (F)(2)(b) of section 4511.191 of the Revised Code to be 8642  
credited to the fund, the portions of the proceeds of the sale of 8643

a forfeited vehicle specified in division (C)(2) of section 8644  
4503.234 of the Revised Code, payments collected by the department 8645  
of rehabilitation and correction from prisoners who voluntarily 8646  
participate in an approved work and training program pursuant to 8647  
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 8648  
all moneys collected by the state pursuant to its right of 8649  
subrogation provided in section 2743.72 of the Revised Code shall 8650  
be deposited in the fund. 8651

(B) In making an award of reparations, the attorney general 8652  
shall render the award against the state. The award shall be 8653  
accomplished only through the following procedure, and the 8654  
following procedure may be enforced by writ of mandamus directed 8655  
to the appropriate official: 8656

(1) The attorney general shall provide for payment of the 8657  
claimant or providers in the amount of the award only if the 8658  
amount of the award is fifty dollars or more. 8659

(2) The expense shall be charged against all available 8660  
unencumbered moneys in the fund. 8661

(3) If sufficient unencumbered moneys do not exist in the 8662  
fund, the attorney general shall make application for payment of 8663  
the award out of the emergency purposes account or any other 8664  
appropriation for emergencies or contingencies, and payment out of 8665  
this account or other appropriation shall be authorized if there 8666  
are sufficient moneys greater than the sum total of then pending 8667  
emergency purposes account requests or requests for releases from 8668  
the other appropriations. 8669

(4) If sufficient moneys do not exist in the account or any 8670  
other appropriation for emergencies or contingencies to pay the 8671  
award, the attorney general shall request the general assembly to 8672  
make an appropriation sufficient to pay the award, and no payment 8673  
shall be made until the appropriation has been made. The attorney 8674



general shall make this appropriation request during the current 8675  
biennium and during each succeeding biennium until a sufficient 8676  
appropriation is made. If, prior to the time that an appropriation 8677  
is made by the general assembly pursuant to this division, the 8678  
fund has sufficient unencumbered funds to pay the award or part of 8679  
the award, the available funds shall be used to pay the award or 8680  
part of the award, and the appropriation request shall be amended 8681  
to request only sufficient funds to pay that part of the award 8682  
that is unpaid. 8683

(C) The attorney general shall not make payment on a decision 8684  
or order granting an award until all appeals have been determined 8685  
and all rights to appeal exhausted, except as otherwise provided 8686  
in this section. If any party to a claim for an award of 8687  
reparations appeals from only a portion of an award, and a 8688  
remaining portion provides for the payment of money by the state, 8689  
that part of the award calling for the payment of money by the 8690  
state and not a subject of the appeal shall be processed for 8691  
payment as described in this section. 8692

(D) The attorney general shall prepare itemized bills for the 8693  
costs of printing and distributing the pamphlet the attorney 8694  
general prepares pursuant to section 109.42 of the Revised Code. 8695  
The itemized bills shall set forth the name and address of the 8696  
persons owed the amounts set forth in them. 8697

(E) As used in this section, "DNA analysis" and "DNA 8698  
specimen" have the same meanings as in section 109.573 of the 8699  
Revised Code. 8700

**Sec. 2907.28.** (A) Any cost incurred by a hospital or 8701  
emergency medical facility in conducting a medical examination of 8702  
a victim of an offense under any provision of sections 2907.02 to 8703  
2907.06 of the Revised Code for the purpose of gathering physical 8704  
evidence for a possible prosecution, including the cost of any 8705

antibiotics administered as part of the examination and the cost 8706  
of HIV post-exposure prophylaxis provided as part of the 8707  
examination, shall be paid out of the reparations fund established 8708  
pursuant to section 2743.191 of the Revised Code, subject to the 8709  
following conditions: 8710

(1) The hospital or emergency facility shall follow a 8711  
protocol for conducting such medical examinations that is 8712  
identified by the attorney general in rule adopted in accordance 8713  
with Chapter 119. of the Revised Code. 8714

(2) The hospital or emergency facility shall submit requests 8715  
for payment to the attorney general on a monthly basis, through a 8716  
procedure determined by the attorney general and on forms approved 8717  
by the attorney general. The requests shall identify the number of 8718  
sexual assault examinations performed and the number of sexual 8719  
assault examinations in which HIV post-exposure prophylaxis was 8720  
provided and shall verify that all required protocols were met for 8721  
each examination form submitted for payment in the request. 8722

(3) The attorney general shall review all requests for 8723  
payment that are submitted under division (A)(2) of this section 8724  
and shall submit for payment as described in division (A)(5) of 8725  
this section all requests that meet the requirements of this 8726  
section. 8727

(4)(a) The hospital or emergency facility shall accept a flat 8728  
fee payment for conducting each examination in the amount 8729  
determined by the attorney general pursuant to Chapter 119. of the 8730  
Revised Code as payment in full for any cost incurred in 8731  
conducting a medical examination and test of a victim of an 8732  
offense under any provision of sections 2907.02 to 2907.06 of the 8733  
Revised Code for the purpose of gathering physical evidence for a 8734  
possible prosecution of a person, other than the cost of providing 8735  
HIV post-exposure prophylaxis. The attorney general shall 8736  
determine a flat fee payment amount to be paid under this division 8737

that is reasonable. 8738

(b) The hospital or emergency facility shall accept a flat 8739  
fee payment for providing HIV post-exposure prophylaxis in the 8740  
amount determined by the attorney general pursuant to Chapter 119. 8741  
of the Revised Code as payment in full for any cost incurred in 8742  
providing HIV post-exposure prophylaxis while conducting a medical 8743  
examination and test of a victim of an offense under any provision 8744  
of sections 2907.02 to 2907.06 of the Revised Code for the purpose 8745  
of gathering physical evidence for a possible prosecution of a 8746  
person. The attorney general shall determine a reasonable flat fee 8747  
payment amount to be paid under this division. 8748

(5) In approving a payment under this section, the attorney 8749  
general shall order the payment against the state. The payment 8750  
shall be accomplished only through the following procedure, and 8751  
the procedure may be enforced through a mandamus action and a writ 8752  
of mandamus directed to the appropriate official: 8753

(a) The attorney general shall provide for payment in the 8754  
amount set forth in the order. 8755

(b) The expense of the payment of the amount described in 8756  
this section shall be charged against all available unencumbered 8757  
moneys in the reparations fund. 8758

(B) No costs incurred by a hospital or emergency facility in 8759  
conducting a medical examination and test of any victim of an 8760  
offense under any provision of sections 2907.02 to 2907.06 of the 8761  
Revised Code for the purpose of gathering physical evidence for a 8762  
possible prosecution of a person shall be billed or charged 8763  
directly or indirectly to the victim or the victim's insurer. 8764

(C) Any cost incurred by a hospital or emergency medical 8765  
facility in conducting a medical examination and test of any 8766  
person who is charged with a violation of division (B) of section 8767  
2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.24, 8768

2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to that division or any of those sections, pursuant to division (B) of section 2907.27 of the Revised Code, shall be charged to and paid by the accused who undergoes the examination and test, unless the court determines that the accused is unable to pay, in which case the cost shall be charged to and paid by the municipal corporation in which the offense allegedly was committed, or charged to and paid by the county if the offense allegedly was committed within an unincorporated area. If separate counts of an alleged offense or alleged separate offenses under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.24, 2907.241, or 2907.25 of the Revised Code or under a municipal ordinance that is substantially equivalent to any of those sections took place in more than one municipal corporation or more than one unincorporated area, or both, the local governments shall share the cost of the examination and test. If a hospital or other emergency medical facility has submitted charges for the cost of a medical examination and test to an accused and has been unable to collect payment for the charges after making good faith attempts to collect for a period of six months or more, the cost shall be charged to and paid by the appropriate municipal corporation or county as specified in division (C) of this section.

(D) As used in this section:

(1) "AIDS" and "HIV" have the same meanings as in section 3701.24 of the Revised Code.

(2) "HIV post-exposure prophylaxis" means the administration of medicines to prevent AIDS or HIV infection following exposure to HIV.

**Sec. 2915.08.** (A)(1) Annually before the first day of January, a charitable organization that desires to conduct bingo,

instant bingo at a bingo session, or instant bingo other than at a 8800  
bingo session shall make out, upon a form to be furnished by the 8801  
attorney general for that purpose, an application for a license to 8802  
conduct bingo, instant bingo at a bingo session, or instant bingo 8803  
other than at a bingo session and deliver that application to the 8804  
attorney general together with a license fee as follows: 8805

(a) Except as otherwise provided in this division, for a 8806  
license for the conduct of bingo, two hundred dollars; 8807

(b) For a license for the conduct of instant bingo at a bingo 8808  
session or instant bingo other than at a bingo session for a 8809  
charitable organization that previously has not been licensed 8810  
under this chapter to conduct instant bingo at a bingo session or 8811  
instant bingo other than at a bingo session, a license fee of five 8812  
hundred dollars, and for any other charitable organization, a 8813  
license fee that is based upon the gross profits received by the 8814  
charitable organization from the operation of instant bingo at a 8815  
bingo session or instant bingo other than at a bingo session, 8816  
during the one-year period ending on the thirty-first day of 8817  
October of the year immediately preceding the year for which the 8818  
license is sought, and that is one of the following: 8819

(i) Five hundred dollars, if the total is fifty thousand 8820  
dollars or less; 8821

(ii) One thousand two hundred fifty dollars plus one-fourth 8822  
per cent of the gross profit, if the total is more than fifty 8823  
thousand dollars but less than two hundred fifty thousand one 8824  
dollars; 8825

(iii) Two thousand two hundred fifty dollars plus one-half 8826  
per cent of the gross profit, if the total is more than two 8827  
hundred fifty thousand dollars but less than five hundred thousand 8828  
one dollars; 8829

(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;

(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;

(c) A reduced license fee established by the attorney general pursuant to division (G) of this section.

(d) For a license to conduct bingo for a charitable organization that prior to July 1, 2003, has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, a license fee established by rule by the attorney general in accordance with division (H) of this section.

(2) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:

(a) The name and post-office address of the applicant;

(b) A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application;

(c) The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises;

(d) A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant

is a charitable organization, and a copy of a determination letter 8860  
that is issued by the Internal Revenue Service and states that the 8861  
organization is tax exempt under subsection 501(a) and described 8862  
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 8863  
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 8864

(e) A statement as to whether the applicant has ever had any 8865  
previous application refused, whether it previously has had a 8866  
license revoked or suspended, and the reason stated by the 8867  
attorney general for the refusal, revocation, or suspension; 8868

(f) A statement of the charitable purposes for which the net 8869  
profit derived from bingo, other than instant bingo, will be used, 8870  
and a statement of how the net profit derived from instant bingo 8871  
will be distributed in accordance with section 2915.101 of the 8872  
Revised Code; 8873

(g) Other necessary and reasonable information that the 8874  
attorney general may require by rule adopted pursuant to section 8875  
111.15 of the Revised Code; 8876

(h) If the applicant is a charitable trust as defined in 8877  
section 109.23 of the Revised Code, a statement as to whether it 8878  
has registered with the attorney general pursuant to section 8879  
109.26 of the Revised Code or filed annual reports pursuant to 8880  
section 109.31 of the Revised Code, and, if it is not required to 8881  
do either, the exemption in section 109.26 or 109.31 of the 8882  
Revised Code that applies to it; 8883

(i) If the applicant is a charitable organization as defined 8884  
in section 1716.01 of the Revised Code, a statement as to whether 8885  
it has filed with the attorney general a registration statement 8886  
pursuant to section 1716.02 of the Revised Code and a financial 8887  
report pursuant to section 1716.04 of the Revised Code, and, if it 8888  
is not required to do both, the exemption in section 1716.03 of 8889  
the Revised Code that applies to it; 8890

(j) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization were used for at least one hundred days during the year in which the statement is issued, and were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of race, color, creed, religion, sex, or national origin, and that the fields were not used for any profit-making activity at any time during the year. That type of board or body is authorized to issue the statement upon request and shall issue the statement if it finds that the applicant's playing fields were so used.

(3) The attorney general, within thirty days after receiving a timely filed application from a charitable organization that has been issued a license under this section that has not expired and has not been revoked or suspended, shall send a temporary permit to the applicant specifying the date on which the application was filed with the attorney general and stating that, pursuant to section 119.06 of the Revised Code, the applicant may continue to conduct bingo until a new license is granted or, if the application is rejected, until fifteen days after notice of the rejection is mailed to the applicant. The temporary permit does not affect the validity of the applicant's application and does not grant any rights to the applicant except those rights specifically granted in section 119.06 of the Revised Code. The issuance of a temporary permit by the attorney general pursuant to this division does not prohibit the attorney general from rejecting the applicant's application because of acts that the applicant committed, or actions that the applicant failed to take,



before or after the issuance of the temporary permit. 8924

(4) Within thirty days after receiving an initial license 8925  
application from a charitable organization to conduct bingo, 8926  
instant bingo at a bingo session, or instant bingo other than at a 8927  
bingo session, the attorney general shall conduct a preliminary 8928  
review of the application and notify the applicant regarding any 8929  
deficiencies. Once an application is deemed complete, or beginning 8930  
on the thirtieth day after the application is filed, if the 8931  
attorney general failed to notify the applicant of any 8932  
deficiencies, the attorney general shall have an additional sixty 8933  
days to conduct an investigation and either grant or deny the 8934  
application based on findings established and communicated in 8935  
accordance with divisions (B) and (E) of this section. As an 8936  
option to granting or denying an initial license application, the 8937  
attorney general may grant a temporary license and request 8938  
additional time to conduct the investigation if the attorney 8939  
general has cause to believe that additional time is necessary to 8940  
complete the investigation and has notified the applicant in 8941  
writing about the specific concerns raised during the 8942  
investigation. 8943

(B)(1) The attorney general shall adopt rules to enforce 8944  
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 8945  
Code to ensure that bingo or instant bingo is conducted in 8946  
accordance with those sections and to maintain proper control over 8947  
the conduct of bingo or instant bingo. The rules, except rules 8948  
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 8949  
shall be adopted pursuant to Chapter 119. of the Revised Code. The 8950  
attorney general shall license charitable organizations to conduct 8951  
bingo, instant bingo at a bingo session, or instant bingo other 8952  
than at a bingo session in conformance with this chapter and with 8953  
the licensing provisions of Chapter 119. of the Revised Code. 8954

(2) The attorney general may refuse to grant a license to any 8955

organization, or revoke or suspend the license of any 8956  
organization, that does any of the following or to which any of 8957  
the following applies: 8958

(a) Fails or has failed at any time to meet any requirement 8959  
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 8960  
2915.11 of the Revised Code, or violates or has violated any 8961  
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 8962  
Code or any rule adopted by the attorney general pursuant to this 8963  
section; 8964

(b) Makes or has made an incorrect or false statement that is 8965  
material to the granting of the license in an application filed 8966  
pursuant to division (A) of this section; 8967

(c) Submits or has submitted any incorrect or false 8968  
information relating to an application if the information is 8969  
material to the granting of the license; 8970

(d) Maintains or has maintained any incorrect or false 8971  
information that is material to the granting of the license in the 8972  
records required to be kept pursuant to divisions (A) and (C) of 8973  
section 2915.10 of the Revised Code, if applicable; 8974

(e) The attorney general has good cause to believe that the 8975  
organization will not conduct bingo, instant bingo at a bingo 8976  
session, or instant bingo other than at a bingo session in 8977  
accordance with sections 2915.07 to 2915.13 of the Revised Code or 8978  
with any rule adopted by the attorney general pursuant to this 8979  
section. 8980

(3) For the purposes of division (B) of this section, any 8981  
action of an officer, trustee, agent, representative, or bingo 8982  
game operator of an organization is an action of the organization. 8983

(C) The attorney general may grant licenses to charitable 8984  
organizations that are branches, lodges, or chapters of national 8985  
charitable organizations. 8986

(D) The attorney general shall send notice in writing to the prosecuting attorney and sheriff of the county in which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, as stated in its application for a license or amended license, and to any other law enforcement agency in that county that so requests, of all of the following:

(1) The issuance of the license;

(2) The issuance of the amended license;

(3) The rejection of an application for and refusal to grant a license;

(4) The revocation of any license previously issued;

(5) The suspension of any license previously issued.

(E) A license issued by the attorney general shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the attorney general to give the written notice of the reasons for the refusal, revocation, or suspension or a mistake in the written notice does not affect the validity of the attorney general's refusal to grant, or the revocation or suspension of, a license. If the attorney general fails to give the written notice or if there is a mistake in the written notice,

the applicant may bring an action to compel the attorney general 9018  
to comply with this division or to correct the mistake, but the 9019  
attorney general's order refusing to grant, or revoking or 9020  
suspending, a license shall not be enjoined during the pendency of 9021  
the action. 9022

(F) A charitable organization that has been issued a license 9023  
pursuant to division (B) of this section but that cannot conduct 9024  
bingo or instant bingo at the location, or on the day of the week 9025  
or at the time, specified on the license due to circumstances that 9026  
make it impractical to do so, or that desires to conduct instant 9027  
bingo other than at a bingo session at additional locations not 9028  
identified on the license, may apply in writing, together with an 9029  
application fee of two hundred fifty dollars, to the attorney 9030  
general, at least thirty days prior to a change in or addition of 9031  
a location, day of the week, or time, and request an amended 9032  
license. ~~The~~ As applicable, the application shall describe the 9033  
causes making it impractical for the organization to conduct bingo 9034  
or instant bingo in conformity with its license and shall indicate 9035  
the location, days of the week, and times on each of those days 9036  
when it desires to conduct bingo or instant bingo and, as 9037  
applicable, shall indicate the additional locations at which it 9038  
desires to conduct instant bingo other than at a bingo session. 9039  
Except as otherwise provided in this division, the attorney 9040  
general shall issue the amended license in accordance with 9041  
division (E) of this section, and the organization shall surrender 9042  
its original license to the attorney general. The attorney general 9043  
may refuse to grant an amended license according to the terms of 9044  
division (B) of this section. 9045

(G) The attorney general, by rule adopted pursuant to section 9046  
111.15 of the Revised Code, shall establish a schedule of reduced 9047  
license fees for charitable organizations that desire to conduct 9048  
bingo or instant bingo during fewer than twenty-six weeks in any 9049

calendar year. 9050

(H) The attorney general, by rule adopted pursuant to section 9051  
111.15 of the Revised Code, shall establish license fees for the 9052  
conduct of bingo, instant bingo at a bingo session, or instant 9053  
bingo other than at a bingo session for charitable organizations 9054  
that prior to July 1, 2003, have not been licensed to conduct 9055  
bingo, instant bingo at a bingo session, or instant bingo other 9056  
than at a bingo session under this chapter. 9057

(I) The attorney general may enter into a written contract 9058  
with any other state agency to delegate to that state agency the 9059  
powers prescribed to the attorney general under Chapter 2915. of 9060  
the Revised Code. 9061

(J) The attorney general, by rule adopted pursuant to section 9062  
111.15 of the Revised Code, may adopt rules to determine the 9063  
requirements for a charitable organization that is exempt from 9064  
federal income taxation under subsection 501(a) and described in 9065  
subsection 501(c)(3) of the Internal Revenue Code to be in good 9066  
standing in the state. 9067

**Sec. 2929.20.** (A) As used in this section: 9068

(1)(a) Except as provided in division (A)(1)(b) of this 9069  
section, "eligible offender" means any person who, on or after 9070  
April 7, 2009, is serving a stated prison term that includes one 9071  
or more nonmandatory prison terms. 9072

(b) "Eligible offender" does not include any person who, on 9073  
or after April 7, 2009, is serving a stated prison term for any of 9074  
the following criminal offenses that was a felony and was 9075  
committed while the person held a public office in this state: 9076

(i) A violation of section 2921.02, 2921.03, 2921.05, 9077  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 9078  
Code; 9079

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(ii) or described in division (A)(1)(b)(iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office.

(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term.

(3) "Public office" means any elected federal, state, or

local government office in this state. 9111

(4) "Victim's representative" has the same meaning as in 9112  
section 2930.01 of the Revised Code. 9113

(B) On the motion of an eligible offender or upon its own 9114  
motion, the sentencing court may reduce the eligible offender's 9115  
aggregated nonmandatory prison term or terms through a judicial 9116  
release under this section. 9117

(C) An eligible offender may file a motion for judicial 9118  
release with the sentencing court within the following applicable 9119  
periods: 9120

(1) If the aggregated nonmandatory prison term or terms is 9121  
less than two years, the eligible offender may file the motion not 9122  
earlier than thirty days after the offender is delivered to a 9123  
state correctional institution or, if the prison term includes a 9124  
mandatory prison term or terms, not earlier than thirty days after 9125  
the expiration of all mandatory prison terms. 9126

(2) If the aggregated nonmandatory prison term or terms is at 9127  
least two years but less than five years, the eligible offender 9128  
may file the motion not earlier than one hundred eighty days after 9129  
the offender is delivered to a state correctional institution or, 9130  
if the prison term includes a mandatory prison term or terms, not 9131  
earlier than one hundred eighty days after the expiration of all 9132  
mandatory prison terms. 9133

(3) If the aggregated nonmandatory prison term or terms is 9134  
five years, the eligible offender may file the motion not earlier 9135  
than four years after the eligible offender is delivered to a 9136  
state correctional institution or, if the prison term includes a 9137  
mandatory prison term or terms, not earlier than four years after 9138  
the expiration of all mandatory prison terms. 9139

(4) If the aggregated nonmandatory prison term or terms is 9140  
more than five years but not more than ten years, the eligible 9141

offender may file the motion not earlier than five years after the 9142  
eligible offender is delivered to a state correctional institution 9143  
or, if the prison term includes a mandatory prison term or terms, 9144  
not earlier than five years after the expiration of all mandatory 9145  
prison terms. 9146

(5) If the aggregated nonmandatory prison term or terms is 9147  
more than ten years, the eligible offender may file the motion not 9148  
earlier than the later of the date on which the offender has 9149  
served one-half of the offender's stated prison term or the date 9150  
specified in division (C)(4) of this section. 9151

(D) Upon receipt of a timely motion for judicial release 9152  
filed by an eligible offender under division (C) of this section 9153  
or upon the sentencing court's own motion made within the 9154  
appropriate time specified in that division, the court may deny 9155  
the motion without a hearing or schedule a hearing on the motion. 9156  
The court shall not grant the motion without a hearing. If a court 9157  
denies a motion without a hearing, the court later may consider 9158  
judicial release for that eligible offender on a subsequent motion 9159  
filed by that eligible offender ~~unless the court denies the motion~~ 9160  
~~with prejudice. If a court denies a motion with prejudice, the~~ 9161  
~~court may later consider judicial release~~ or on its own motion. If 9162  
a court denies a motion after a hearing, the court shall not 9163  
consider a more than one subsequent motion for that eligible 9164  
offender. The court shall not hold ~~only one hearing~~ more than two 9165  
hearings for any eligible offender. 9166

A hearing under this section shall be conducted in open court 9167  
not less than thirty or more than sixty days after the motion is 9168  
filed, provided that the court may delay the hearing for one 9169  
hundred eighty additional days. If the court holds a hearing, the 9170  
court shall enter a ruling on the motion within ten days after the 9171  
hearing. If the court denies the motion without a hearing, the 9172  
court shall enter its ruling on the motion within sixty days after 9173



the motion is filed. 9174

(E) If a court schedules a hearing under division (D) of this 9175  
section, the court shall notify the eligible offender and the head 9176  
of the state correctional institution in which the eligible 9177  
offender is confined prior to the hearing. The head of the state 9178  
correctional institution immediately shall notify the appropriate 9179  
person at the department of rehabilitation and correction of the 9180  
hearing, and the department within twenty-four hours after receipt 9181  
of the notice, shall post on the database it maintains pursuant to 9182  
section 5120.66 of the Revised Code the offender's name and all of 9183  
the information specified in division (A)(1)(c)(i) of that 9184  
section. If the court schedules a hearing for judicial release, 9185  
the court promptly shall give notice of the hearing to the 9186  
prosecuting attorney of the county in which the eligible offender 9187  
was indicted. Upon receipt of the notice from the court, the 9188  
prosecuting attorney shall do whichever of the following is 9189  
applicable: 9190

(1) Subject to division (E)(2) of this section, notify the 9191  
victim of the offense or the victim's representative pursuant to 9192  
division (B) of section 2930.16 of the Revised Code; 9193

(2) If the offense was an offense of violence that is a 9194  
felony of the first, second, or third degree, except as otherwise 9195  
provided in this division, notify the victim or the victim's 9196  
representative of the hearing regardless of whether the victim or 9197  
victim's representative has requested the notification. The notice 9198  
of the hearing shall not be given under this division to a victim 9199  
or victim's representative if the victim or victim's 9200  
representative has requested pursuant to division (B)(2) of 9201  
section 2930.03 of the Revised Code that the victim or the 9202  
victim's representative not be provided the notice. If notice is 9203  
to be provided to a victim or victim's representative under this 9204  
division, the prosecuting attorney may give the notice by any 9205

reasonable means, including regular mail, telephone, and 9206  
electronic mail, in accordance with division (D)(1) of section 9207  
2930.16 of the Revised Code. If the notice is based on an offense 9208  
committed prior to ~~the effective date of this amendment~~ March 22, 9209  
2013, the notice also shall include the opt-out information 9210  
described in division (D)(1) of section 2930.16 of the Revised 9211  
Code. The prosecuting attorney, in accordance with division (D)(2) 9212  
of section 2930.16 of the Revised Code, shall keep a record of all 9213  
attempts to provide the notice, and of all notices provided, under 9214  
this division. Division (E)(2) of this section, and the 9215  
notice-related provisions of division (K) of this section, 9216  
division (D)(1) of section 2930.16, division (H) of section 9217  
2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) 9218  
of section 2967.26, division (D)(1) of section 2967.28, and 9219  
division (A)(2) of section 5149.101 of the Revised Code enacted in 9220  
the act in which division (E)(2) of this section was enacted, 9221  
shall be known as "Roberta's Law." 9222

(F) Upon an offender's successful completion of 9223  
rehabilitative activities, the head of the state correctional 9224  
institution may notify the sentencing court of the successful 9225  
completion of the activities. 9226

(G) Prior to the date of the hearing on a motion for judicial 9227  
release under this section, the head of the state correctional 9228  
institution in which the eligible offender is confined shall send 9229  
to the court an institutional summary report on the eligible 9230  
offender's conduct in the institution and in any institution from 9231  
which the eligible offender may have been transferred. Upon the 9232  
request of the prosecuting attorney of the county in which the 9233  
eligible offender was indicted or of any law enforcement agency, 9234  
the head of the state correctional institution, at the same time 9235  
the person sends the institutional summary report to the court, 9236  
also shall send a copy of the report to the requesting prosecuting 9237

attorney and law enforcement agencies. The institutional summary 9238  
report shall cover the eligible offender's participation in 9239  
school, vocational training, work, treatment, and other 9240  
rehabilitative activities and any disciplinary action taken 9241  
against the eligible offender. The report shall be made part of 9242  
the record of the hearing. 9243

(H) If the court grants a hearing on a motion for judicial 9244  
release under this section, the eligible offender shall attend the 9245  
hearing if ordered to do so by the court. Upon receipt of a copy 9246  
of the journal entry containing the order, the head of the state 9247  
correctional institution in which the eligible offender is 9248  
incarcerated shall deliver the eligible offender to the sheriff of 9249  
the county in which the hearing is to be held. The sheriff shall 9250  
convey the eligible offender to and from the hearing. 9251

(I) At the hearing on a motion for judicial release under 9252  
this section, the court shall afford the eligible offender and the 9253  
eligible offender's attorney an opportunity to present written 9254  
and, if present, oral information relevant to the motion. The 9255  
court shall afford a similar opportunity to the prosecuting 9256  
attorney, the victim or the victim's representative, and any other 9257  
person the court determines is likely to present additional 9258  
relevant information. The court shall consider any statement of a 9259  
victim made pursuant to section 2930.14 or 2930.17 of the Revised 9260  
Code, any victim impact statement prepared pursuant to section 9261  
2947.051 of the Revised Code, and any report made under division 9262  
(G) of this section. The court may consider any written statement 9263  
of any person submitted to the court pursuant to division (L) of 9264  
this section. After ruling on the motion, the court shall notify 9265  
the victim of the ruling in accordance with sections 2930.03 and 9266  
2930.16 of the Revised Code. 9267

(J)(1) A court shall not grant a judicial release under this 9268  
section to an eligible offender who is imprisoned for a felony of 9269

the first or second degree, or to an eligible offender who 9270  
committed an offense under Chapter 2925. or 3719. of the Revised 9271  
Code and for whom there was a presumption under section 2929.13 of 9272  
the Revised Code in favor of a prison term, unless the court, with 9273  
reference to factors under section 2929.12 of the Revised Code, 9274  
finds both of the following: 9275

(a) That a sanction other than a prison term would adequately 9276  
punish the offender and protect the public from future criminal 9277  
violations by the eligible offender because the applicable factors 9278  
indicating a lesser likelihood of recidivism outweigh the 9279  
applicable factors indicating a greater likelihood of recidivism; 9280

(b) That a sanction other than a prison term would not demean 9281  
the seriousness of the offense because factors indicating that the 9282  
eligible offender's conduct in committing the offense was less 9283  
serious than conduct normally constituting the offense outweigh 9284  
factors indicating that the eligible offender's conduct was more 9285  
serious than conduct normally constituting the offense. 9286

(2) A court that grants a judicial release to an eligible 9287  
offender under division (J)(1) of this section shall specify on 9288  
the record both findings required in that division and also shall 9289  
list all the factors described in that division that were 9290  
presented at the hearing. 9291

(K) If the court grants a motion for judicial release under 9292  
this section, the court shall order the release of the eligible 9293  
offender, shall place the eligible offender under an appropriate 9294  
community control sanction, under appropriate conditions, and 9295  
under the supervision of the department of probation serving the 9296  
court and shall reserve the right to reimpose the sentence that it 9297  
reduced if the offender violates the sanction. If the court 9298  
reimposes the reduced sentence, it may do so either concurrently 9299  
with, or consecutive to, any new sentence imposed upon the 9300  
eligible offender as a result of the violation that is a new 9301

offense. The period of community control shall be no longer than 9302  
five years. The court, in its discretion, may reduce the period of 9303  
community control by the amount of time the eligible offender 9304  
spent in jail or prison for the offense and in prison. If the 9305  
court made any findings pursuant to division (J)(1) of this 9306  
section, the court shall serve a copy of the findings upon counsel 9307  
for the parties within fifteen days after the date on which the 9308  
court grants the motion for judicial release. 9309

If the court grants a motion for judicial release, the court 9310  
shall notify the appropriate person at the department of 9311  
rehabilitation and correction, and the department shall post 9312  
notice of the release on the database it maintains pursuant to 9313  
section 5120.66 of the Revised Code. The court also shall notify 9314  
the prosecuting attorney of the county in which the eligible 9315  
offender was indicted that the motion has been granted. Unless the 9316  
victim or the victim's representative has requested pursuant to 9317  
division (B)(2) of section 2930.03 of the Revised Code that the 9318  
victim or victim's representative not be provided the notice, the 9319  
prosecuting attorney shall notify the victim or the victim's 9320  
representative of the judicial release in any manner, and in 9321  
accordance with the same procedures, pursuant to which the 9322  
prosecuting attorney is authorized to provide notice of the 9323  
hearing pursuant to division (E)(2) of this section. If the notice 9324  
is based on an offense committed prior to ~~the effective date of~~ 9325  
~~this amendment~~ March 22, 2013, the notice to the victim or 9326  
victim's representative also shall include the opt-out information 9327  
described in division (D)(1) of section 2930.16 of the Revised 9328  
Code. 9329

(L) In addition to and independent of the right of a victim 9330  
to make a statement pursuant to section 2930.14, 2930.17, or 9331  
2946.051 of the Revised Code and any right of a person to present 9332  
written information or make a statement pursuant to division (I) 9333

of this section, any person may submit to the court, at any time 9334  
prior to the hearing on the offender's motion for judicial 9335  
release, a written statement concerning the effects of the 9336  
offender's crime or crimes, the circumstances surrounding the 9337  
crime or crimes, the manner in which the crime or crimes were 9338  
perpetrated, and the person's opinion as to whether the offender 9339  
should be released. 9340

(M) The changes to this section that are made on September 9341  
30, 2011, apply to any judicial release decision made on or after 9342  
September 30, 2011, for any eligible offender. 9343

Sec. 2935.012. No peace officer shall issue a citation for, 9344  
or arrest any person for, a violation of Title XLV of the Revised 9345  
Code if the peace officer does not receive an hourly rate of pay 9346  
or a salary from a law enforcement agency. 9347

For purposes of this section, "law enforcement agency" means 9348  
an organization or unit made up of peace officers. 9349

**Sec. 2945.402.** (A) In approving a conditional release, the 9350  
trial court may set any conditions on the release with respect to 9351  
the treatment, evaluation, counseling, or control of the defendant 9352  
or person that the court considers necessary to protect the public 9353  
safety and the welfare of the defendant or person. The trial court 9354  
may revoke a defendant's or person's conditional release and order 9355  
reinstatement of the previous placement or reinstitutionalization 9356  
at any time the conditions of the release have not been satisfied, 9357  
provided that the revocation shall be in accordance with this 9358  
section. 9359

(B) A conditional release is a commitment. The hearings on 9360  
continued commitment as described in section 2945.401 of the 9361  
Revised Code apply to a defendant or person on conditional 9362  
release. 9363

(C) A person, agency, or facility that is assigned to monitor a defendant or person on conditional release immediately shall notify the trial court on learning that the defendant or person being monitored has violated the terms of the conditional release. Upon learning of any violation of the terms of the conditional release, the trial court may issue a temporary order of detention or, if necessary, an arrest warrant for the defendant or person. Within ten court days after the defendant's or person's detention or arrest, the trial court shall conduct a hearing to determine whether the conditional release should be modified or terminated. At the hearing, the defendant or person shall have the same rights as are described in division (C) of section 2945.40 of the Revised Code. The trial court may order a continuance of the ten-court-day period for no longer than ten days for good cause shown or for any period on motion of the defendant or person. If the trial court fails to conduct the hearing within the ten-court-day period and does not order a continuance in accordance with this division, the defendant or person shall be restored to the prior conditional release status.

(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 9396  
required by divisions (E)(1)(c) and (d) of this section shall be 9397  
entered into the file's miscellaneous field. The information 9398  
reported and entered shall include all of the following: 9399

(a) The name of the court providing the information; 9400

(b) The offense or offenses with which the defendant or 9401  
person was charged; 9402

(c) Whether the person was found not guilty by reason of 9403  
insanity or incompetent to stand trial with no substantial 9404  
probability of becoming competent even with a course of treatment; 9405

(d) The reason for the conditional release; 9406

(e) Any other information required for the entry of 9407  
information into the national crime information center supervised 9408  
release file. 9409

(2) Information entered into the national crime information 9410  
center supervised release file pursuant to this section shall 9411  
remain in the file until the termination of the conditional 9412  
release or commitment. 9413

(3) If a defendant or person about whom information is 9414  
entered into the national crime information center supervised 9415  
release file pursuant to division (E)(1) of this section has 9416  
contact with a law enforcement agency after the information is 9417  
entered, the agency shall report the contact to the department of 9418  
mental health and addiction services and, if the terms of the 9419  
release require the defendant or person to receive mental health 9420  
treatment, to the person, office, or agency providing the 9421  
treatment. 9422

(4) As used in division (E) of this section, "local law 9423  
enforcement agency" means the police department of a municipal 9424  
corporation in which the offense with which a releasee was charged 9425



allegedly occurred or, if the offense did not allegedly occur in a 9426  
municipal corporation, the sheriff of the county in which the 9427  
offense allegedly occurred. 9428

**Sec. 3123.89.** (A) Subject to section 3770.071 of the Revised 9429  
Code, a child support enforcement agency that determines that an 9430  
obligor who is the recipient of a lottery prize award is subject 9431  
to a final and enforceable determination of default made under 9432  
sections 3123.01 to 3123.07 of the Revised Code shall issue an 9433  
intercept directive to the director of the state lottery 9434  
commission. A copy of this intercept directive shall be sent to 9435  
the obligor. 9436

(B) The intercept directive shall require the director or the 9437  
director's designee to transmit an amount or amounts from the 9438  
proceeds of the specified lottery prize award to the office of 9439  
child support in the department of job and family services. The 9440  
intercept directive also shall contain all of the following 9441  
information: 9442

(1) The name, address, and social security number or taxpayer 9443  
identification number of the obligor; 9444

(2) A statement that the obligor has been determined to be in 9445  
default under a support order; 9446

(3) The amount of the arrearage owed by the obligor as 9447  
determined by the agency. 9448

(C) After receipt of an intercept directive and in accordance 9449  
with section 3770.071 of the Revised Code, the director or the 9450  
director's designee shall deduct the amount or amounts specified 9451  
from the proceeds of the lottery prize award referred to in the 9452  
directive and transmit the amounts to the office of child support. 9453

(D) The department of job and family services shall develop 9454  
and implement a real time data match program with the state 9455

lottery commission and its lottery sales agents and lottery agents 9456  
to identify obligors who are subject to a final and enforceable 9457  
determination of default made under sections 3123.01 to 3123.07 of 9458  
the Revised Code in accordance with section 3770.071 of the 9459  
Revised Code. 9460

(E) Upon the data match program's implementation, the 9461  
department, in consultation with the commission, shall promulgate 9462  
rules to facilitate withholding, in appropriate circumstances, by 9463  
the commission or its lottery sales agents or lottery agents of an 9464  
amount sufficient to satisfy any past due support owed by an 9465  
obligor from a lottery prize award owed to the obligor up to the 9466  
amount of the award. The rules shall describe an expedited method 9467  
for withholding, and the time frame for transmission of the amount 9468  
withheld to the department. 9469

Sec. 3123.90. (A) As used in this section, "casino facility," 9470  
"casino operator," and "management company" have the meanings 9471  
defined in section 3772.01 of the Revised Code. 9472

(B) The department of job and family services shall develop 9473  
and implement a real time data match program with each casino 9474  
facility's casino operator or management company to identify 9475  
obligors who are subject to a final and enforceable determination 9476  
of default made under sections 3123.01 to 3123.07 of the Revised 9477  
Code. 9478

(C) Upon the data match program's implementation, if a 9479  
person's winnings at a casino facility are an amount for which 9480  
reporting to the internal revenue service of the amount is 9481  
required by section 6041 of the Internal Revenue Code, as amended, 9482  
the casino operator or management company shall refer to the data 9483  
match program to determine if the person entitled to the winnings 9484  
is in default under a support order. If the data match program 9485  
indicates that the person is in default, the casino operator or 9486

management company shall withhold from the person's winnings an amount sufficient to satisfy any past due support owed by the obligor identified in the data match up to the amount of the winnings. 9487  
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(D) Not later than seven days after withholding the amount, the casino operator or management company shall transmit any amount withheld to the department as payment on the support obligation. 9491  
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(E) The department, in consultation with the Ohio casino control commission, may adopt rules under Chapter 119. of the Revised Code as are necessary for implementation of this section. 9495  
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**Sec. 3302.15.** (A) Notwithstanding anything to the contrary in Chapter 3301. or 3302. of the Revised Code, the board of education of a school district may submit to the superintendent of public instruction a request for a waiver for up to five school years from administering the state achievement assessments required under sections 3301.0710 and 3301.0712 of the Revised Code and related requirements specified under division (C)(2) of this section. A district that obtains a waiver under this section shall use the alternative assessment system, as proposed by the district or school and as approved by the state superintendent, in place of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code. 9498  
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(B) To be eligible to submit a request for a waiver under this section, a school district shall be a member of the Ohio innovation lab network. 9510  
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(C)(1) A request for a waiver under this section shall contain the following: 9513  
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(a) A timeline to develop and implement an alternative assessment system for the school district; 9515  
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(b) An overview of the proposed educational programs or strategies to be offered by the school district; 9517  
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(c) An overview of the proposed alternative assessment system, including links to state-accepted and nationally accepted metrics, assessments, and evaluations; 9519  
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(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners; 9522  
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(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices; 9528  
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(f) An acknowledgement by the school district of federal funding that may be impacted by obtaining a waiver. 9536  
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(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a school district may be exempt are as follows: 9538  
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(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code; 9543  
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(b) The evaluation of teachers and administrators under sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 of the Revised Code; 9545  
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(c) The reporting of student achievement data for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code. 9548  
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(D) Each request for a waiver shall include the signature of all of the following: 9551  
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(1) The superintendent of the school district; 9553

(2) The president of the district board; 9554

(3) The presiding officer of the labor organization representing the district's teachers, if any; 9555  
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(4) If the district's teachers are not represented by a labor organization, the principal and a majority of the administrators and teachers of the district. 9557  
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(E) Not later than thirty days after receiving a request for a waiver, the state superintendent shall approve or deny the waiver or may request additional information from the district. The state superintendent shall not grant waivers to more than ten school districts. A waiver granted to a school district shall be contingent on an ongoing review and evaluation by the state superintendent of the program for which the waiver was granted. 9560  
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(F)(1) For the purpose of this section, the department of education shall seek a waiver from the testing requirements prescribed under the "No Child Left Behind Act of 2001," if necessary to implement this section. 9567  
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(2) The department shall create a mechanism for the comparison of the alternative assessments prescribed under division (C) of this section and the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings. 9571  
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**Sec. 3303.41. (A)** There is hereby created the governor's 9577

council on people with disabilities. The council shall consist of 9578  
twenty-one members of which the majority shall be people with 9579  
disabilities as defined in this section, appointed by the governor 9580  
for a term of three years except that for initial appointments, 9581  
seven members shall be appointed for a term of one year, seven 9582  
members shall be appointed for a term of two years, and seven 9583  
members shall be appointed for a term of three years. Members may 9584  
succeed themselves not more than one time. A member shall continue 9585  
in office subsequent to the expiration of the member's term until 9586  
the member's successor takes office. The governor shall ~~annually~~ 9587  
appoint a chairperson ~~who may to serve a two-year term.~~ The 9588  
chairperson shall not succeed himself or herself ~~not more than one~~ 9589  
time as chairperson. The chairperson shall continue in office 9590  
subsequent to the expiration of the chairperson's term until the 9591  
chairperson's successor takes office. Members of the council shall 9592  
serve without compensation, but shall be paid the actual and 9593  
necessary expenses they incur in the performance of their duties. 9594

(B) The council shall meet at least six times annually at 9595  
such times and places as may be designated by the chairperson. 9596

(C) ~~The governor's council on people with disabilities shall~~ 9597  
~~be assigned to executive director of the opportunities for Ohioans~~ 9598  
~~with disabilities agency for administrative purposes. The~~ 9599  
~~executive director of the opportunities for Ohioans with~~ 9600  
~~disabilities agency shall assign one~~ provide the council with both 9601  
of the following: 9602

(1) One professional staff person ~~to the council~~ to serve as 9603  
executive secretary ~~and other personnel as determined advisable of~~ 9604  
the council; 9605

(2) Any meeting space, office furniture, and equipment that 9606  
are necessary for the council to fulfill its duties. 9607

(D) The council shall have the following powers: 9608

<del>(A)</del> (1) To cooperate with the president's committee on employment of the handicapped;	9609 9610
<del>(B)</del> (2) To cooperate with all employers both public and private in locating or developing employment opportunities for people with disabilities;	9611 9612 9613
<del>(C)</del> (3) To encourage and assist in the creation of committees at the community level;	9614 9615
<del>(D)</del> (4) To assist local, state, and federal agencies to coordinate their activities for the purpose of securing maximum utilization of funds and efforts that benefit people with disabilities;	9616 9617 9618 9619
<del>(E)</del> (5) To encourage cooperation among public and private employers, unions, and rehabilitation agencies, bureaus, and organizations both public and private with a specific goal to facilitate employment of people with disabilities;	9620 9621 9622 9623
<del>(F)</del> (6) To serve in an advisory capacity to the governor's office directly and as needed to the general assembly on issues relating to the needs, problems, and other concerns of people with disabilities;	9624 9625 9626 9627
<del>(G)</del> (7) To conduct educational programs to acquaint the public with the abilities and accomplishments of people with disabilities;	9628 9629 9630
<del>(H)</del> (8) To promote the elimination of architectural barriers to make buildings used by the public accessible and useable by persons with physical limitations;	9631 9632 9633
<del>(I)</del> (9) To make such rules as it determines advisable for the conduct of its own business.	9634 9635
(E) The council shall annually report to the governor on council activities and on the state of the people of this state with disabilities. This report may include any recommendations	9636 9637 9638

believed necessary or desirable to carry out the purposes of this 9639  
section. 9640

(F) As used in this section, "person with a disability" means 9641  
any individual who has a disability or condition that, regardless 9642  
of its physical or mental origin, imposes a functional limitation. 9643

(G) It shall be lawful for any public employee or officer to 9644  
serve as a member of the council. 9645

Sec. 3313.351. The attorney general may educate school 9646  
districts about contracting with any entity that provides students 9647  
with account-based access to a web site or an online service, 9648  
including electronic mail. 9649

**Sec. 3313.372.** (A) As used in this section, "energy 9650  
conservation measure" means an installation or modification of an 9651  
installation in, or remodeling of, a building, to reduce energy 9652  
consumption. It includes: 9653

(1) Insulation of the building structure and systems within 9654  
the building; 9655

(2) Storm windows and doors, multiglazed windows and doors, 9656  
heat absorbing or heat reflective glazed and coated window and 9657  
door systems, additional glazing, reductions in glass area, and 9658  
other window and door system modifications that reduce energy 9659  
consumption; 9660

(3) Automatic energy control systems; 9661

(4) Heating, ventilating, or air conditioning system 9662  
modifications or replacements; 9663

(5) Caulking and weatherstripping; 9664

(6) Replacement or modification of lighting fixtures to 9665  
increase the energy efficiency of the system without increasing 9666  
the overall illumination of a facility, unless such increase in 9667



illumination is necessary to conform to the applicable state or 9668  
local building code for the proposed lighting system; 9669

(7) Energy recovery systems; 9670

(8) Cogeneration systems that produce steam or forms of 9671  
energy such as heat, as well as electricity, for use primarily 9672  
within a building or complex of buildings; 9673

(9) Any other modification, installation, or remodeling 9674  
approved by the Ohio school facilities commission as an energy 9675  
conservation measure. 9676

(B) A board of education of a city, exempted village, local, 9677  
or joint vocational school district may enter into an installment 9678  
payment contract for the purchase and installation of energy 9679  
conservation measures. The provisions of such installment payment 9680  
contracts dealing with interest charges and financing terms shall 9681  
not be subject to the competitive bidding requirements of section 9682  
3313.46 of the Revised Code, and shall be on the following terms: 9683

(1) Not less than one-fifteenth of the costs thereof shall be 9684  
paid within two years from the date of purchase. 9685

(2) The remaining balance of the costs thereof shall be paid 9686  
within fifteen years from the date of purchase. 9687

The provisions of any installment payment contract entered 9688  
into pursuant to this section shall provide that all payments, 9689  
except payments for repairs and obligations on termination of the 9690  
contract prior to its expiration, be stated as a percentage of 9691  
calculated energy, water, or waste water cost savings, avoided 9692  
operating costs, and avoided capital costs attributable to the one 9693  
or more measures over a defined period of time. Those payments 9694  
shall be made only to the extent that the savings described in 9695  
this division actually occur. The ~~contractor~~ energy services 9696  
company shall warrant and guarantee that the energy conservation 9697  
measures shall realize guaranteed savings and shall be responsible 9698

to pay an amount equal to any savings shortfall. 9699

An installment payment contract entered into by a board of 9700  
education under this section shall require the board to contract 9701  
in accordance with division (A) of section 3313.46 of the Revised 9702  
Code for the installation, modification, or remodeling of energy 9703  
conservation measures unless division (A) of section 3313.46 of 9704  
the Revised Code does not apply pursuant to division (B)(3) of 9705  
that section. 9706

(C) If a board of education determines that a surety bond is 9707  
necessary to secure energy, water, or waste water cost savings 9708  
guaranteed in a contract entered into by the board of education 9709  
under this section, the energy services company shall provide a 9710  
surety bond that satisfies all of the following requirements: 9711

(1) The penal sum of the surety bond for the first guarantee 9712  
year shall equal the amount of savings included in the annual 9713  
guaranteed savings amount that is measured and calculated in 9714  
accordance with the measurement and verification plan included in 9715  
the contract, but may not include guaranteed savings that are not 9716  
measured or that are stipulated in the contract. The annual 9717  
guaranteed savings amount shall include only the savings 9718  
guaranteed in the contract for the one-year term that begins on 9719  
the first day of the first savings guarantee year and may not 9720  
include amounts from subsequent years. 9721

(2) The surety bond shall have a term of not more than one 9722  
year unless renewed. At the option of the board of education, the 9723  
surety bond may be renewed for one or two additional terms, each 9724  
term not to exceed one year. The surety bond may not be renewed or 9725  
extended so that it is in effect for more than three consecutive 9726  
years. 9727

In the event of a renewal, the penal sum of the surety bond 9728  
for each renewed year shall be revised so that the penal sum 9729

equals the annual guaranteed savings amount for such renewal year 9730  
that is measured and calculated in accordance with the measurement 9731  
and verification plan included in the contract, but may not 9732  
include guaranteed savings that are not measured or that are 9733  
stipulated in the contract. Regardless of the number of renewals 9734  
of the bond, the aggregate liability under each renewed bond may 9735  
not exceed the penal sum stated in the renewal certificate for the 9736  
applicable renewal year. 9737

(3) The surety bond for the first year shall be issued within 9738  
thirty days of the commencement of the first savings guarantee 9739  
year under the contract. 9740

In the event of renewal, the surety shall deliver to the 9741  
board of education a renewal certificate reflecting the revised 9742  
penal sum within thirty days of the board of education's request. 9743  
The board of education shall deliver the request for renewal not 9744  
less than thirty days prior to the expiration date of the surety 9745  
bond then in existence. A surety bond furnished pursuant to 9746  
section 153.54 of the Revised Code shall not secure obligations 9747  
related to energy, water, or waste water cost savings as 9748  
referenced in division (C) of this section. 9749

(D) The board may issue the notes of the school district 9750  
signed by the president and the treasurer of the board and 9751  
specifying the terms of the purchase and securing the deferred 9752  
payments provided in this section, payable at the times provided 9753  
and bearing interest at a rate not exceeding the rate determined 9754  
as provided in section 9.95 of the Revised Code. The notes may 9755  
contain an option for prepayment and shall not be subject to 9756  
Chapter 133. of the Revised Code. In the resolution authorizing 9757  
the notes, the board may provide, without the vote of the electors 9758  
of the district, for annually levying and collecting taxes in 9759  
amounts sufficient to pay the interest on and retire the notes, 9760  
except that the total net indebtedness of the district without a 9761

vote of the electors incurred under this and all other sections of 9762  
the Revised Code, except section 3318.052 of the Revised Code, 9763  
shall not exceed one per cent of the district's tax valuation. 9764  
Revenues derived from local taxes or otherwise, for the purpose of 9765  
conserving energy or for defraying the current operating expenses 9766  
of the district, may be applied to the payment of interest and the 9767  
retirement of such notes. The notes may be sold at private sale or 9768  
given to the ~~contractor~~ energy services company under the 9769  
installment payment contract authorized by division (B) of this 9770  
section. 9771

~~(D)~~(E) Debt incurred under this section shall not be included 9772  
in the calculation of the net indebtedness of a school district 9773  
under section 133.06 of the Revised Code. 9774

~~(E)~~(F) No school district board shall enter into an 9775  
installment payment contract under division (B) of this section 9776  
unless it first obtains a report of the costs of the energy 9777  
conservation measures and the savings thereof as described under 9778  
division (G) of section 133.06 of the Revised Code as a 9779  
requirement for issuing energy securities, makes a finding that 9780  
the amount spent on such measures is not likely to exceed the 9781  
amount of money it would save in energy costs and resultant 9782  
operational and maintenance costs as described in that division, 9783  
except that that finding shall cover the ensuing fifteen years, 9784  
and the Ohio school facilities commission determines that the 9785  
district board's findings are reasonable and approves the contract 9786  
as described in that division. 9787

The district board shall monitor the savings and maintain a 9788  
report of those savings, which shall be submitted to the 9789  
commission in the same manner as required by division (G) of 9790  
section 133.06 of the Revised Code in the case of energy 9791  
securities. 9792

<u>Sec. 3313.902. (A) As used in this section:</u>	9793
<u>(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of the Ohio board of regents.</u>	9794 9795 9796
<u>(2) "Eligible institution" means any of the following:</u>	9797
<u>(a) A community college established under Chapter 3354. of the Revised Code;</u>	9798 9799
<u>(b) A technical college established under Chapter 3357. of the Revised Code;</u>	9800 9801
<u>(c) A state community college established under Chapter 3358. of the Revised Code;</u>	9802 9803
<u>(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.</u>	9804 9805
<u>(3) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.</u>	9806 9807 9808 9809
<u>(B) The adult career opportunity pilot program is hereby established to permit an eligible institution to obtain approval from the state board of education and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements:</u>	9810 9811 9812 9813 9814 9815
<u>(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma while completing requirements for an approved industry credential or certificate.</u>	9816 9817 9818
<u>(2) The program includes career advising and outreach.</u>	9819
<u>(3) The program includes opportunities for students to receive a competency-based education.</u>	9820 9821

(C) The superintendent of public instruction, in consultation with the chancellor, shall adopt rules for the implementation of the adult career opportunity pilot program, including the requirements for applying for program approval.

**Sec. 3314.08.** (A) As used in this section: 9826

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.

(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.

(2)(a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code.

(b) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code.

(c) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code.

(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.

(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring

both of the following:	9882
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	9883 9884 9885 9886 9887 9888
(2) The governing authority of each community school established under this chapter to annually report all of the following:	9889 9890 9891
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	9892 9893 9894 9895
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	9896 9897 9898 9899
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	9900 9901 9902 9903
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	9904 9905 9906 9907 9908
(e) <del>Twenty per cent of the</del> <u>The</u> number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes	9909 9910 9911 9912



described in each of divisions (A) to (E) of section 3317.014 of 9913  
the Revised Code at a joint vocational school district or another 9914  
district in the career-technical planning district to which the 9915  
school is assigned; 9916

(f) The number of students reported under divisions (B)(2)(a) 9917  
and (b) of this section who are category one to three limited 9918  
English proficient students described in each of divisions (A) to 9919  
(C) of section 3317.016 of the Revised Code; 9920

(g) The number of students reported under divisions (B)(2)(a) 9921  
and (b) who are economically disadvantaged, as defined by the 9922  
department. A student shall not be categorically excluded from the 9923  
number reported under division (B)(2)(g) of this section based on 9924  
anything other than family income. 9925

(h) For each student, the city, exempted village, or local 9926  
school district in which the student is entitled to attend school 9927  
under section 3313.64 or 3313.65 of the Revised Code. 9928

A school district board and a community school governing 9929  
authority shall include in their respective reports under division 9930  
(B) of this section any child admitted in accordance with division 9931  
(A)(2) of section 3321.01 of the Revised Code. 9932

A governing authority of a community school shall not include 9933  
in its report under division (B)(2) of this section any student 9934  
for whom tuition is charged under division (F) of this section. 9935

(C)(1) Except as provided in division (C)(2) of this section, 9936  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 9937  
section, on a full-time equivalency basis, for each student 9938  
enrolled in a community school established under this chapter, the 9939  
department of education annually shall deduct from the state 9940  
education aid of a student's resident district and, if necessary, 9941  
from the payment made to the district under sections 321.24 and 9942  
323.156 of the Revised Code and pay to the community school the 9943

sum of the following:	9944
(a) An opportunity grant in an amount equal to the formula amount;	9945 9946
(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	9947 9948 9949 9950
(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	9951 9952 9953
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	9954 9955 9956
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	9957 9958 9959
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	9960 9961 9962
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	9963 9964 9965
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	9966 9967 9968
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	9969 9970 9971
(d) If the student is in kindergarten through third grade, an additional amount of \$211, in fiscal year 2014, and \$290, in	9972 9973

fiscal year 2015;	9974
(e) If the student is economically disadvantaged, an additional amount equal to the following:	9975
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)	9976
(f) Limited English proficiency funds as follows:	9977
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	9978
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	9979
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	9980
(g) <del>Career-technical</del> <u>If the student is reported under division (B)(2)(d) of this section, career-technical</u> education funds as follows:	9981
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	9982
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	9983
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	9984
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	9985
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(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 10004  
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Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code. 10007  
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(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. 10011  
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. 10017  
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 10020  
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(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services 10032  
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provided to the student in accordance with the student's 10035  
individualized education program. Any legal fees, court costs, or 10036  
other costs associated with any cause of action relating to the 10037  
student may not be included in the amount. 10038

(4) In any fiscal year, a community school receiving funds 10039  
under division (C)(1)(g) of this section shall spend those funds 10040  
only for the purposes that the department designates as approved 10041  
for career-technical education expenses. Career-technical 10042  
~~educational~~ education expenses approved by the department shall 10043  
include only expenses connected to the delivery of 10044  
career-technical programming to career-technical students. The 10045  
department shall require the school to report data annually so 10046  
that the department may monitor the school's compliance with the 10047  
requirements regarding the manner in which funding received under 10048  
division (C)(1)(g) of this section may be spent. 10049

(5) All funds received under division (C)(1)(g) of this 10050  
section shall be spent in the following manner: 10051

(a) At least seventy-five per cent of the funds shall be 10052  
spent on curriculum development, purchase, and implementation; 10053  
instructional resources and supplies; industry-based program 10054  
certification; student assessment, credentialing, and placement; 10055  
curriculum specific equipment purchases and leases; 10056  
career-technical student organization fees and expenses; home and 10057  
agency linkages; work-based learning experiences; professional 10058  
development; and other costs directly associated with 10059  
career-technical education programs including development of new 10060  
programs. 10061

(b) Not more than twenty-five per cent of the funds shall be 10062  
used for personnel expenditures. 10063

(6) A community school shall spend the funds it receives 10064  
under division (C)(1)(e) of this section in accordance with 10065

section 3317.25 of the Revised Code. 10066

(7) If the sum of the payments computed under ~~division~~ 10067  
divisions (C)(1) and (8)(a) of this section for the students 10068  
entitled to attend school in a particular school district under 10069  
sections 3313.64 and 3313.65 of the Revised Code exceeds the sum 10070  
of that district's state education aid and its payment under 10071  
sections 321.24 and 323.156 of the Revised Code, the department 10072  
shall calculate and apply a proration factor to the payments to 10073  
all community schools under that division for the students 10074  
entitled to attend school in that district. 10075

(8)(a) Subject to division (C)(7) of this section, the 10076  
department annually shall pay to each community school, including 10077  
each internet- or computer-based community school, an amount equal 10078  
to the following: 10079

(The number of students reported by the community school 10080  
under division (B)(2)(e) of this section X the formula amount X 10081  
.20) 10082

(b) For each payment made to a community school under 10083  
division (C)(8)(a) of this section, the department shall deduct 10084  
from the state education aid of each city, local, and exempted 10085  
village school district and, if necessary, from the payment made 10086  
to the district under sections 321.24 and 323.156 of the Revised 10087  
Code an amount equal to the following: 10088

(The number of the district's students reported by the 10089  
community school under division (B)(2)(e) of this section X the 10090  
formula amount X .20) 10091

(D) A board of education sponsoring a community school may 10092  
utilize local funds to make enhancement grants to the school or 10093  
may agree, either as part of the contract or separately, to 10094  
provide any specific services to the community school at no cost 10095  
to the school. 10096

(E) A community school may not levy taxes or issue bonds secured by tax revenues. 10097  
10098

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state. 10099  
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(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school. 10103  
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(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 10110  
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(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school. 10112  
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(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section: 10115  
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(1) A student shall be considered enrolled in the community school for any portion of the school year the student is 10126  
10127

participating at a college under Chapter 3365. of the Revised Code. 10128  
10129

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur: 10130  
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(a) The community school receives documentation from a parent terminating enrollment of the student. 10149  
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(b) The community school is provided documentation of a student's enrollment in another public or private school. 10151  
10152

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter. 10153  
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Except as otherwise specified in this paragraph, beginning in the 2011-2012 school year, any student who completed the prior 10157  
10158



school year in an internet- or computer-based community school 10159  
shall be considered to be enrolled in the same school in the 10160  
subsequent school year until the student's enrollment has ceased 10161  
as specified in division (H)(2) of this section. The department 10162  
shall continue subtracting and paying amounts for the student 10163  
under division (C) of this section without interruption at the 10164  
start of the subsequent school year. However, if the student 10165  
without a legitimate excuse fails to participate in the first one 10166  
hundred five consecutive hours of learning opportunities offered 10167  
to the student in that subsequent school year, the student shall 10168  
be considered not to have re-enrolled in the school for that 10169  
school year and the department shall recalculate the payments to 10170  
the school for that school year to account for the fact that the 10171  
student is not enrolled. 10172

(3) The department shall determine each community school 10173  
student's percentage of full-time equivalency based on the 10174  
percentage of learning opportunities offered by the community 10175  
school to that student, reported either as number of hours or 10176  
number of days, is of the total learning opportunities offered by 10177  
the community school to a student who attends for the school's 10178  
entire school year. However, no internet- or computer-based 10179  
community school shall be credited for any time a student spends 10180  
participating in learning opportunities beyond ten hours within 10181  
any period of twenty-four consecutive hours. Whether it reports 10182  
hours or days of learning opportunities, each community school 10183  
shall offer not less than nine hundred twenty hours of learning 10184  
opportunities during the school year. 10185

(4) With respect to the calculation of full-time equivalency 10186  
under division (H)(3) of this section, the department shall waive 10187  
the number of hours or days of learning opportunities not offered 10188  
to a student because the community school was closed during the 10189  
school year due to disease epidemic, hazardous weather conditions, 10190

law enforcement emergencies, inoperability of school buses or 10191  
other equipment necessary to the school's operation, damage to a 10192  
school building, or other temporary circumstances due to utility 10193  
failure rendering the school building unfit for school use, so 10194  
long as the school was actually open for instruction with students 10195  
in attendance during that school year for not less than the 10196  
minimum number of hours required by this chapter. The department 10197  
shall treat the school as if it were open for instruction with 10198  
students in attendance during the hours or days waived under this 10199  
division. 10200

(I) The department of education shall reduce the amounts paid 10201  
under this section to reflect payments made to colleges under 10202  
division (B) of section 3365.07 of the Revised Code or through 10203  
alternative funding agreements entered into under rules adopted 10204  
under section 3365.12 of the Revised Code. 10205

(J)(1) No student shall be considered enrolled in any 10206  
internet- or computer-based community school or, if applicable to 10207  
the student, in any community school that is required to provide 10208  
the student with a computer pursuant to division (C) of section 10209  
3314.22 of the Revised Code, unless both of the following 10210  
conditions are satisfied: 10211

(a) The student possesses or has been provided with all 10212  
required hardware and software materials and all such materials 10213  
are operational so that the student is capable of fully 10214  
participating in the learning opportunities specified in the 10215  
contract between the school and the school's sponsor as required 10216  
by division (A)(23) of section 3314.03 of the Revised Code; 10217

(b) The school is in compliance with division (A) of section 10218  
3314.22 of the Revised Code, relative to such student. 10219

(2) In accordance with policies adopted jointly by the 10220  
superintendent of public instruction and the auditor of state, the 10221

department shall reduce the amounts otherwise payable under 10222  
division (C) of this section to any community school that includes 10223  
in its program the provision of computer hardware and software 10224  
materials to any student, if such hardware and software materials 10225  
have not been delivered, installed, and activated for each such 10226  
student in a timely manner or other educational materials or 10227  
services have not been provided according to the contract between 10228  
the individual community school and its sponsor. 10229

The superintendent of public instruction and the auditor of 10230  
state shall jointly establish a method for auditing any community 10231  
school to which this division pertains to ensure compliance with 10232  
this section. 10233

The superintendent, auditor of state, and the governor shall 10234  
jointly make recommendations to the general assembly for 10235  
legislative changes that may be required to assure fiscal and 10236  
academic accountability for such schools. 10237

(K)(1) If the department determines that a review of a 10238  
community school's enrollment is necessary, such review shall be 10239  
completed and written notice of the findings shall be provided to 10240  
the governing authority of the community school and its sponsor 10241  
within ninety days of the end of the community school's fiscal 10242  
year, unless extended for a period not to exceed thirty additional 10243  
days for one of the following reasons: 10244

(a) The department and the community school mutually agree to 10245  
the extension. 10246

(b) Delays in data submission caused by either a community 10247  
school or its sponsor. 10248

(2) If the review results in a finding that additional 10249  
funding is owed to the school, such payment shall be made within 10250  
thirty days of the written notice. If the review results in a 10251  
finding that the community school owes moneys to the state, the 10252

following procedure shall apply: 10253

(a) Within ten business days of the receipt of the notice of 10254  
findings, the community school may appeal the department's 10255  
determination to the state board of education or its designee. 10256

(b) The board or its designee shall conduct an informal 10257  
hearing on the matter within thirty days of receipt of such an 10258  
appeal and shall issue a decision within fifteen days of the 10259  
conclusion of the hearing. 10260

(c) If the board has enlisted a designee to conduct the 10261  
hearing, the designee shall certify its decision to the board. The 10262  
board may accept the decision of the designee or may reject the 10263  
decision of the designee and issue its own decision on the matter. 10264

(d) Any decision made by the board under this division is 10265  
final. 10266

(3) If it is decided that the community school owes moneys to 10267  
the state, the department shall deduct such amount from the 10268  
school's future payments in accordance with guidelines issued by 10269  
the superintendent of public instruction. 10270

(L) The department shall not subtract from a school 10271  
district's state aid account and shall not pay to a community 10272  
school under division (C) of this section any amount for any of 10273  
the following: 10274

(1) Any student who has graduated from the twelfth grade of a 10275  
public or nonpublic high school; 10276

(2) Any student who is not a resident of the state; 10277

(3) Any student who was enrolled in the community school 10278  
during the previous school year when assessments were administered 10279  
under section 3301.0711 of the Revised Code but did not take one 10280  
or more of the assessments required by that section and was not 10281  
excused pursuant to division (C)(1) or (3) of that section, unless 10282

the superintendent of public instruction grants the student a 10283  
waiver from the requirement to take the assessment and a parent is 10284  
not paying tuition for the student pursuant to section 3314.26 of 10285  
the Revised Code. The superintendent may grant a waiver only for 10286  
good cause in accordance with rules adopted by the state board of 10287  
education. 10288

(4) Any student who has attained the age of twenty-two years, 10289  
except for veterans of the armed services whose attendance was 10290  
interrupted before completing the recognized twelve-year course of 10291  
the public schools by reason of induction or enlistment in the 10292  
armed forces and who apply for enrollment in a community school 10293  
not later than four years after termination of war or their 10294  
honorable discharge. If, however, any such veteran elects to 10295  
enroll in special courses organized for veterans for whom tuition 10296  
is paid under federal law, or otherwise, the department shall not 10297  
subtract from a school district's state aid account and shall not 10298  
pay to a community school under division (C) of this section any 10299  
amount for that veteran. 10300

**Sec. 3317.02.** As used in this chapter: 10301

(A)(1) "Category one career-technical education ADM" means 10302  
the enrollment of students during the school year on a full-time 10303  
equivalency basis in career-technical education programs described 10304  
in division (A) of section 3317.014 of the Revised Code and 10305  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 10306  
of the Revised Code. 10307

(2) "Category two career-technical education ADM" means the 10308  
enrollment of students during the school year on a full-time 10309  
equivalency basis in career-technical education programs described 10310  
in division (B) of section 3317.014 of the Revised Code and 10311  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 10312  
of the Revised Code. 10313

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (D) of section 3317.014 of the Revised Code and certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code.

(B)(1) "Category one limited English proficient ADM" means 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 10345  
3317.03 of the Revised Code. 10346

(C)(1) "Category one special education ADM" means the 10347  
full-time equivalent number of children with disabilities 10348  
receiving special education services for the disability specified 10349  
in division (A) of section 3317.013 of the Revised Code and 10350  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 10351  
the Revised Code. 10352

(2) "Category two special education ADM" means the full-time 10353  
equivalent number of children with disabilities receiving special 10354  
education services for those disabilities specified in division 10355  
(B) of section 3317.013 of the Revised Code and certified under 10356  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 10357  
Code. 10358

(3) "Category three special education ADM" means the 10359  
full-time equivalent number of students receiving special 10360  
education services for those disabilities specified in division 10361  
(C) of section 3317.013 of the Revised Code, and certified under 10362  
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 10363  
Code. 10364

(4) "Category four special education ADM" means the full-time 10365  
equivalent number of students receiving special education services 10366  
for those disabilities specified in division (D) of section 10367  
3317.013 of the Revised Code and certified under division (B)(8) 10368  
or (D)(2)(e) of section 3317.03 of the Revised Code. 10369

(5) "Category five special education ADM" means the full-time 10370  
equivalent number of students receiving special education services 10371  
for the disabilities specified in division (E) of section 3317.013 10372  
of the Revised Code and certified under division (B)(9) or 10373  
(D)(2)(f) of section 3317.03 of the Revised Code. 10374

(6) "Category six special education ADM" means the full-time 10375

equivalent number of students receiving special education services 10376  
for the disabilities specified in division (F) of section 3317.013 10377  
of the Revised Code and certified under division (B)(10) or 10378  
(D)(2)(g) of section 3317.03 of the Revised Code. 10379

(D) "County DD board" means a county board of developmental 10380  
disabilities. 10381

(E) "Economically disadvantaged index for a school district" 10382  
means the square of the quotient of that district's percentage of 10383  
students in its total ADM who are identified as economically 10384  
disadvantaged as defined by the department of education, divided 10385  
by the statewide percentage of students identified as economically 10386  
disadvantaged. 10387

(F)(1) "Formula ADM" means, for a city, local, or exempted 10388  
village school district, the enrollment reported under division 10389  
(A) of section 3317.03 of the Revised Code, as verified by the 10390  
superintendent of public instruction and adjusted if so ordered 10391  
under division (K) of that section, and as further adjusted by 10392  
~~counting the department of education, as follows:~~ 10393

(a) Count only twenty per cent of the number of joint 10394  
vocational school district students counted under division (A)(3) 10395  
of section 3317.03 of the Revised Code; 10396

(b) Add twenty per cent of the number of students who are 10397  
entitled to attend school in the district under section 3313.64 or 10398  
3313.65 of the Revised Code and are enrolled in another school 10399  
district under a career-technical education compact. 10400

(2) "Formula ADM" means, for a joint vocational school 10401  
district, the final number verified by the superintendent of 10402  
public instruction, based on the enrollment reported and certified 10403  
under division (D) of section 3317.03 of the Revised Code, as 10404  
adjusted, if so ordered, under division (K) of that section. 10405

(G) "Formula amount" means \$5,745, for fiscal year 2014, and 10406



\$5,800, for fiscal year 2015. 10407

(H) "FTE basis" means a count of students based on full-time 10408  
equivalency, in accordance with rules adopted by the department of 10409  
education pursuant to section 3317.03 of the Revised Code. In 10410  
adopting its rules under this division, the department shall 10411  
provide for counting any student in category one, two, three, 10412  
four, five, or six special education ADM or in category one, two, 10413  
three, four, or five career technical education ADM in the same 10414  
proportion the student is counted in formula ADM. 10415

(I) "Internet- or computer-based community school" has the 10416  
same meaning as in section 3314.02 of the Revised Code. 10417

(J) "Medically fragile child" means a child to whom all of 10418  
the following apply: 10419

(1) The child requires the services of a doctor of medicine 10420  
or osteopathic medicine at least once a week due to the 10421  
instability of the child's medical condition. 10422

(2) The child requires the services of a registered nurse on 10423  
a daily basis. 10424

(3) The child is at risk of institutionalization in a 10425  
hospital, skilled nursing facility, or intermediate care facility 10426  
for individuals with intellectual disabilities. 10427

(K)(1) A child may be identified as having an "other health 10428  
impairment-major" if the child's condition meets the definition of 10429  
"other health impaired" established in rules previously adopted by 10430  
the state board of education and if either of the following apply: 10431

(a) The child is identified as having a medical condition 10432  
that is among those listed by the superintendent of public 10433  
instruction as conditions where a substantial majority of cases 10434  
fall within the definition of "medically fragile child." 10435

(b) The child is determined by the superintendent of public 10436

instruction to be a medically fragile child. A school district 10437  
superintendent may petition the superintendent of public 10438  
instruction for a determination that a child is a medically 10439  
fragile child. 10440

(2) A child may be identified as having an "other health 10441  
impairment-minor" if the child's condition meets the definition of 10442  
"other health impaired" established in rules previously adopted by 10443  
the state board of education but the child's condition does not 10444  
meet either of the conditions specified in division (K)(1)(a) or 10445  
(b) of this section. 10446

(L) "Preschool child with a disability" means a child with a 10447  
disability, as defined in section 3323.01 of the Revised Code, who 10448  
is at least age three but is not of compulsory school age, as 10449  
defined in section 3321.01 of the Revised Code, and who is not 10450  
currently enrolled in kindergarten. 10451

(M) "Preschool scholarship ADM" means the number of preschool 10452  
children with disabilities certified under division (B)(3)(h) of 10453  
section 3317.03 of the Revised Code. 10454

(N) "Related services" includes: 10455

(1) Child study, special education supervisors and 10456  
coordinators, speech and hearing services, adaptive physical 10457  
development services, occupational or physical therapy, teacher 10458  
assistants for children with disabilities whose disabilities are 10459  
described in division (B) of section 3317.013 or division (B)(3) 10460  
of this section, behavioral intervention, interpreter services, 10461  
work study, nursing services, and specialized integrative services 10462  
as those terms are defined by the department; 10463

(2) Speech and language services provided to any student with 10464  
a disability, including any student whose primary or only 10465  
disability is a speech and language disability; 10466

(3) Any related service not specifically covered by other 10467

state funds but specified in federal law, including but not	10468
limited to, audiology and school psychological services;	10469
(4) Any service included in units funded under former	10470
division (O)(1) of section 3317.024 of the Revised Code;	10471
(5) Any other related service needed by children with	10472
disabilities in accordance with their individualized education	10473
programs.	10474
(O) "School district," unless otherwise specified, means	10475
city, local, and exempted village school districts.	10476
(P) "State education aid" has the same meaning as in section	10477
5751.20 of the Revised Code.	10478
(Q) "State share index" means the state share index	10479
calculated for a district under section 3317.017 of the Revised	10480
Code.	10481
(R) "Taxes charged and payable" means the taxes charged and	10482
payable against real and public utility property after making the	10483
reduction required by section 319.301 of the Revised Code, plus	10484
the taxes levied against tangible personal property.	10485
(S) "Total ADM" means, for a city, local, or exempted village	10486
school district, the enrollment reported under division (A) of	10487
section 3317.03 of the Revised Code, as verified by the	10488
superintendent of public instruction and adjusted if so ordered	10489
under division (K) of that section.	10490
(T) "Total special education ADM" means the sum of categories	10491
one through six special education ADM.	10492
(U) "Total taxable value" means the sum of the amounts	10493
certified for a city, local, exempted village, or joint vocational	10494
school district under divisions (A)(1) and (2) of section 3317.021	10495
of the Revised Code.	10496

**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 three-year average valuations for all school districts divided by (ii) the sum of formula ADM counts for all ~~schools~~ school districts; plus

(b) One-half times the quotient of (i) the sum of the three-year average total federal adjusted gross incomes for all school districts divided by (ii) the sum of formula ADM counts for all school districts.

(4) Compute each district's wealth index by dividing the statewide wealth per pupil by the district's local wealth per pupil.

(5) Compute the per pupil targeted assistance for each 10526  
eligible school district in accordance with the following formula: 10527  
(Threshold local wealth per pupil - the district's local wealth 10528  
per pupil) 10529  
X target millage X the district's wealth index 10530

Where: 10531

(a) An "eligible school district" means a school district 10532  
with a local wealth per pupil less than that of the school 10533  
district with the 490th lowest local wealth per pupil. 10534

(b) "Threshold local wealth per pupil" means the local wealth 10535  
per pupil of the school district with the 490th lowest local 10536  
wealth per pupil. 10537

(c) "Target millage" means 0.006. 10538

If the result of the calculation for a school district under 10539  
division (A)(5) of this section is less than zero, the district's 10540  
targeted assistance shall be zero. 10541

(6) Calculate the aggregate amount to be paid as targeted 10542  
assistance funds to each school district under division (A) of 10543  
section 3317.022 of the Revised Code by multiplying the per pupil 10544  
targeted assistance computed under division (A)(5) of this section 10545  
by the district's net formula ADM. 10546

As used in this division, a district's "net formula ADM" 10547  
means its formula ADM minus the number of community school 10548  
students certified under division (B)(3)(d) of section 3317.03 of 10549  
the Revised Code X 0.75, the number of internet- and 10550  
computer-based community school students certified under division 10551  
(B)(3)(e) of that section, the number of science, technology, 10552  
engineering, and mathematics school students certified under 10553  
division (B)(3)(j) of that section X 0.75, and the number of 10554  
scholarship students certified under divisions (B)(3)(f), (g), and 10555  
(l) of that section. 10556

(B) The department shall annually compute supplemental targeted assistance funds to school districts, as follows:

(1) Compute each district's agricultural percentage as the quotient of (a) the three-year average tax valuation of real property in the district that is classified as agricultural property divided by (b) the three-year average tax valuation of all of the real property in the district. For purposes of this computation, a district's "three-year average tax valuation" means the average of a district's tax valuation for fiscal years 2012, 2013, and 2014.

(2) Determine each district's agricultural targeted percentage as follows:

(a) If a district's agricultural percentage is greater than or equal to 0.10, then the district's agricultural targeted percentage shall be equal to 0.40.

(b) If a district's agricultural percentage is less than 0.10, then the district's agricultural targeted percentage shall be equal to 4 X the district's agricultural percentage.

(3) Calculate the aggregate amount to be paid as supplemental targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the district's agricultural targeted percentage by the amount calculated for the district under division (A)(6) of this section.

**Sec. 3317.06.** Moneys paid to school districts under division (E) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the

district or to their parents and to hire clerical personnel to 10587  
administer such lending program. Such loans shall be based upon 10588  
individual requests submitted by such nonpublic school pupils or 10589  
parents. Such requests shall be submitted to the school district 10590  
in which the nonpublic school is located. Such individual requests 10591  
for the loan of textbooks or digital texts shall, for 10592  
administrative convenience, be submitted by the nonpublic school 10593  
pupil or the pupil's parent to the nonpublic school, which shall 10594  
prepare and submit collective summaries of the individual requests 10595  
to the school district. As used in this section: 10596

(1) "Textbook" means any book or book substitute that a pupil 10597  
uses as a consumable or nonconsumable text, text substitute, or 10598  
text supplement in a particular class or program in the school the 10599  
pupil regularly attends. 10600

(2) "Digital text" means a consumable book or book substitute 10601  
that a student accesses through the use of a computer or other 10602  
electronic medium or that is available through an internet-based 10603  
provider of course content, or any other material that contributes 10604  
to the learning process through electronic means. 10605

(B) To provide speech and hearing diagnostic services to 10606  
pupils attending nonpublic schools within the district. Such 10607  
service shall be provided in the nonpublic school attended by the 10608  
pupil receiving the service. 10609

(C) To provide physician, nursing, dental, and optometric 10610  
services to pupils attending nonpublic schools within the 10611  
district. Such services shall be provided in the school attended 10612  
by the nonpublic school pupil receiving the service. 10613

(D) To provide diagnostic psychological services to pupils 10614  
attending nonpublic schools within the district. Such services 10615  
shall be provided in the school attended by the pupil receiving 10616  
the service. 10617

(E) To provide therapeutic psychological and speech and 10618  
hearing services to pupils attending nonpublic schools within the 10619  
district. Such services shall be provided in the public school, in 10620  
nonpublic schools, in public centers, or in mobile units located 10621  
on or off of the nonpublic premises. If such services are provided 10622  
in the public school or in public centers, transportation to and 10623  
from such facilities shall be provided by the school district in 10624  
which the nonpublic school is located. 10625

(F) To provide guidance, counseling, and social work services 10626  
to pupils attending nonpublic schools within the district. Such 10627  
services shall be provided in the public school, in nonpublic 10628  
schools, in public centers, or in mobile units located on or off 10629  
of the nonpublic premises. If such services are provided in the 10630  
public school or in public centers, transportation to and from 10631  
such facilities shall be provided by the school district in which 10632  
the nonpublic school is located. 10633

(G) To provide remedial services to pupils attending 10634  
nonpublic schools within the district. Such services shall be 10635  
provided in the public school, in nonpublic schools, in public 10636  
centers, or in mobile units located on or off of the nonpublic 10637  
premises. If such services are provided in the public school or in 10638  
public centers, transportation to and from such facilities shall 10639  
be provided by the school district in which the nonpublic school 10640  
is located. 10641

(H) To supply for use by pupils attending nonpublic schools 10642  
within the district such standardized tests and scoring services 10643  
as are in use in the public schools of the state; 10644

(I) To provide programs for children who attend nonpublic 10645  
schools within the district and are children with disabilities as 10646  
defined in section 3323.01 of the Revised Code or gifted children. 10647  
Such programs shall be provided in the public school, in nonpublic 10648  
schools, in public centers, or in mobile units located on or off 10649



of the nonpublic premises. If such programs are provided in the 10650  
public school or in public centers, transportation to and from 10651  
such facilities shall be provided by the school district in which 10652  
the nonpublic school is located. 10653

(J) To hire clerical personnel to assist in the 10654  
administration of programs pursuant to divisions (B), (C), (D), 10655  
(E), (F), (G), and (I) of this section and to hire supervisory 10656  
personnel to supervise the providing of services and textbooks 10657  
pursuant to this section. 10658

(K) To purchase or lease any secular, neutral, and 10659  
nonideological computer application software designed to assist 10660  
students in performing a single task or multiple related tasks, 10661  
device management software, learning management software, 10662  
site-licensing, digital video on demand (DVD), wide area 10663  
connectivity and related technology as it relates to internet 10664  
access, mathematics or science equipment and materials, 10665  
instructional materials, and school library materials that are in 10666  
general use in the public schools of the state and loan such items 10667  
to pupils attending nonpublic schools within the district or to 10668  
their parents, and to hire clerical personnel to administer the 10669  
lending program. Only such items that are incapable of diversion 10670  
to religious use and that are susceptible of loan to individual 10671  
pupils and are furnished for the use of individual pupils shall be 10672  
purchased and loaned under this division. As used in this section, 10673  
"instructional materials" means prepared learning materials that 10674  
are secular, neutral, and nonideological in character and are of 10675  
benefit to the instruction of school children. 10676

Mobile applications that are secular, neutral, and 10677  
nonideological in character and that are purchased for less than 10678  
ten dollars for instructional use shall be considered to be 10679  
consumable and shall be distributed to students without the 10680  
expectation that the applications must be returned. 10681

(L) To purchase or lease instructional equipment, including 10682  
computer hardware and related equipment in general use in the 10683  
public schools of the state, for use by pupils attending nonpublic 10684  
schools within the district and to loan such items to pupils 10685  
attending nonpublic schools within the district or to their 10686  
parents, and to hire clerical personnel to administer the lending 10687  
program. "Computer hardware and related equipment" includes 10688  
desktop computers and workstations; laptop computers, computer 10689  
tablets, and other mobile handheld devices; and their operating 10690  
systems and accessories. 10691

(M) To purchase mobile units to be used for the provision of 10692  
services pursuant to divisions (E), (F), (G), and (I) of this 10693  
section and to pay for necessary repairs and operating costs 10694  
associated with these units. 10695

(N) To reimburse costs the district incurred to store the 10696  
records of a chartered nonpublic school that closes. 10697  
Reimbursements under this division shall be made one time only for 10698  
each chartered nonpublic school that closes. 10699

(O) To purchase life-saving medical or other emergency 10700  
equipment for placement in nonpublic schools within the district 10701  
or to maintain such equipment; 10702

(P) To purchase or lease equipment for emergency 10703  
communications systems, school entrance security systems, or both 10704  
for placement in nonpublic schools within the district. 10705

Clerical and supervisory personnel hired pursuant to division 10706  
(J) of this section shall perform their services in the public 10707  
schools, in nonpublic schools, public centers, or mobile units 10708  
where the services are provided to the nonpublic school pupil, 10709  
except that such personnel may accompany pupils to and from the 10710  
service sites when necessary to ensure the safety of the children 10711  
receiving the services. 10712

All services provided pursuant to this section may be 10713  
provided under contract with educational service centers, the 10714  
department of health, city or general health districts, or private 10715  
agencies whose personnel are properly licensed by an appropriate 10716  
state board or agency. 10717

Transportation of pupils provided pursuant to divisions (E), 10718  
(F), (G), and (I) of this section shall be provided by the school 10719  
district from its general funds and not from moneys paid to it 10720  
under division (E) of section 3317.024 of the Revised Code unless 10721  
a special transportation request is submitted by the parent of the 10722  
child receiving service pursuant to such divisions. If such an 10723  
application is presented to the school district, it may pay for 10724  
the transportation from moneys paid to it under division (E) of 10725  
section 3317.024 of the Revised Code. 10726

No school district shall provide health or remedial services 10727  
to nonpublic school pupils as authorized by this section unless 10728  
such services are available to pupils attending the public schools 10729  
within the district. 10730

Materials, equipment, computer hardware or software, 10731  
textbooks, digital texts, and health and remedial services 10732  
provided for the benefit of nonpublic school pupils pursuant to 10733  
this section and the admission of pupils to such nonpublic schools 10734  
shall be provided without distinction as to race, creed, color, or 10735  
national origin of such pupils or of their teachers. 10736

No school district shall provide services, materials, or 10737  
equipment that contain religious content for use in religious 10738  
courses, devotional exercises, religious training, or any other 10739  
religious activity. 10740

As used in this section, "parent" includes a person standing 10741  
in loco parentis to a child. 10742

Notwithstanding section 3317.01 of the Revised Code, payments 10743

shall be made under this section to any city, local, or exempted 10744  
village school district within which is located one or more 10745  
nonpublic elementary or high schools and any payments made to 10746  
school districts under division (E) of section 3317.024 of the 10747  
Revised Code for purposes of this section may be disbursed without 10748  
submission to and approval of the controlling board. 10749

The allocation of payments for materials, equipment, 10750  
textbooks, digital texts, health services, and remedial services 10751  
to city, local, and exempted village school districts shall be on 10752  
the basis of the state board of education's estimated annual 10753  
average daily membership in nonpublic elementary and high schools 10754  
located in the district. 10755

Payments made to city, local, and exempted village school 10756  
districts under this section shall be equal to specific 10757  
appropriations made for the purpose. All interest earned by a 10758  
school district on such payments shall be used by the district for 10759  
the same purposes and in the same manner as the payments may be 10760  
used. 10761

The department of education shall adopt guidelines and 10762  
procedures under which such programs and services shall be 10763  
provided, under which districts shall be reimbursed for 10764  
administrative costs incurred in providing such programs and 10765  
services, and under which any unexpended balance of the amounts 10766  
appropriated by the general assembly to implement this section may 10767  
be transferred to the auxiliary services personnel unemployment 10768  
compensation fund established pursuant to section 4141.47 of the 10769  
Revised Code. The department shall also adopt guidelines and 10770  
procedures limiting the purchase and loan of the items described 10771  
in division (K) of this section to items that are in general use 10772  
in the public schools of the state, that are incapable of 10773  
diversion to religious use, and that are susceptible to individual 10774  
use rather than classroom use. Within thirty days after the end of 10775

each biennium, each board of education shall remit to the 10776  
department all moneys paid to it under division (E) of section 10777  
3317.024 of the Revised Code and any interest earned on those 10778  
moneys that are not required to pay expenses incurred under this 10779  
section during the biennium for which the money was appropriated 10780  
and during which the interest was earned. If a board of education 10781  
subsequently determines that the remittal of moneys leaves the 10782  
board with insufficient money to pay all valid expenses incurred 10783  
under this section during the biennium for which the remitted 10784  
money was appropriated, the board may apply to the department of 10785  
education for a refund of money, not to exceed the amount of the 10786  
insufficiency. If the department determines the expenses were 10787  
lawfully incurred and would have been lawful expenditures of the 10788  
refunded money, it shall certify its determination and the amount 10789  
of the refund to be made to the director of job and family 10790  
services who shall make a refund as provided in section 4141.47 of 10791  
the Revised Code. 10792

Each school district shall label materials, equipment, 10793  
computer hardware or software, textbooks, and digital texts 10794  
purchased or leased for loan to a nonpublic school under this 10795  
section, acknowledging that they were purchased or leased with 10796  
state funds under this section. However, a district need not label 10797  
materials, equipment, computer hardware or software, textbooks, or 10798  
digital texts that the district determines are consumable in 10799  
nature or have a value of less than two hundred dollars. 10800

**Sec. 3318.36.** (A)(1) As used in this section: 10801

(a) "Ohio school facilities commission," "classroom 10802  
facilities," "school district," "school district board," "net 10803  
bonded indebtedness," "required percentage of the basic project 10804  
costs," "basic project cost," "valuation," and "percentile" have 10805  
the same meanings as in section 3318.01 of the Revised Code. 10806

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(d) "Tangible personal property phase-out impacted district" means a school district for which the taxable value of its tangible personal property certified under division (A)(2) of section 3317.021 of the Revised Code for tax year 2005, excluding the taxable value of public utility personal property, made up eighteen per cent or more of its total taxable value for tax year 2005 as certified under that section.

(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year. However, in the case of a tangible personal property phase-out impacted district, the district's priority for assistance under sections 3318.01 to

3318.20 of the Revised Code and its portion of the basic project 10839  
cost under those sections shall be determined in the manner 10840  
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 10841  
this section. 10842

(B)(1) There is hereby established the school building 10843  
assistance expedited local partnership program. Under the program, 10844  
the Ohio school facilities commission may enter into an agreement 10845  
with the board of any school district under which the board may 10846  
proceed with the new construction or major repairs of a part of 10847  
the district's classroom facilities needs, as determined under 10848  
sections 3318.01 to 3318.20 of the Revised Code, through the 10849  
expenditure of local resources prior to the school district's 10850  
eligibility for state assistance under those sections, and may 10851  
apply that expenditure toward meeting the school district's 10852  
portion of the basic project cost of the total of the district's 10853  
classroom facilities needs, as recalculated under division (E) of 10854  
this section, when the district becomes eligible for state 10855  
assistance under sections 3318.01 to 3318.20 or section 3318.364 10856  
of the Revised Code. Any school district that is reasonably 10857  
expected to receive assistance under sections 3318.01 to 3318.20 10858  
of the Revised Code within two fiscal years from the date the 10859  
school district adopts its resolution under division (B) of this 10860  
section shall not be eligible to participate in the program 10861  
established under this section. 10862

(2) To participate in the program, a school district board 10863  
shall first adopt a resolution certifying to the commission the 10864  
board's intent to participate in the program. 10865

The resolution shall specify the approximate date that the 10866  
board intends to seek elector approval of any bond or tax measures 10867  
or to apply other local resources to use to pay the cost of 10868  
classroom facilities to be constructed under this section. The 10869  
resolution may specify the application of local resources or 10870

elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code or priority for assistance under section 3318.364 of the Revised Code, the commission shall use one of the following as applicable:

(a) Except for a tangible personal property phase-out impacted district, the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section;

(b) For a tangible personal property phase-out impacted district, the lesser of (i) the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section, or (ii) the district's current percentile ranking under section 3318.011 of the Revised Code.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under



this section has not begun a project applying local resources as 10902  
provided for under that agreement at the time the district is 10903  
notified by the commission that it is eligible to receive state 10904  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 10905  
all assessment and agreement documents entered into under this 10906  
section are void. 10907

(6) Only construction of or repairs to classroom facilities 10908  
that have been approved by the commission and have been therefore 10909  
included as part of a district's basic project cost qualify for 10910  
application of local resources under this section. 10911

(C) Based on the results of on-site visits and assessment, 10912  
the commission shall determine the basic project cost of the 10913  
school district's classroom facilities needs. The commission shall 10914  
determine the school district's portion of such basic project 10915  
cost, which shall be the greater of: 10916

(1) The required percentage of the basic project costs, 10917  
determined based on the school district's percentile ranking; 10918

(2) An amount necessary to raise the school district's net 10919  
bonded indebtedness, as of the fiscal year the commission and the 10920  
school district enter into the agreement under division (B) of 10921  
this section, to within five thousand dollars of the required 10922  
level of indebtedness. 10923

(D)(1) When the commission determines the basic project cost 10924  
of the classroom facilities needs of a school district and the 10925  
school district's portion of that basic project cost under 10926  
division (C) of this section, the project shall be conditionally 10927  
approved. Such conditional approval shall be submitted to the 10928  
controlling board for approval thereof. The controlling board 10929  
shall forthwith approve or reject the commission's determination, 10930  
conditional approval, and the amount of the state's portion of the 10931  
basic project cost; however, no state funds shall be encumbered 10932

under this section. Upon approval by the controlling board, the 10933  
school district board may identify a discrete part of its 10934  
classroom facilities needs, which shall include only new 10935  
construction of or additions or major repairs to a particular 10936  
building, to address with local resources. Upon identifying a part 10937  
of the school district's basic project cost to address with local 10938  
resources, the school district board may allocate any available 10939  
school district moneys to pay the cost of that identified part, 10940  
including the proceeds of an issuance of bonds if approved by the 10941  
electors of the school district. 10942

All local resources utilized under this division shall first 10943  
be deposited in the project construction account required under 10944  
section 3318.08 of the Revised Code. 10945

(2) Unless the school district board exercises its option 10946  
under division (D)(3) of this section, for a school district to 10947  
qualify for participation in the program authorized under this 10948  
section, one of the following conditions shall be satisfied: 10949

(a) The electors of the school district by a majority vote 10950  
shall approve the levy of taxes outside the ten-mill limitation 10951  
for a period of twenty-three years at the rate of not less than 10952  
one-half mill for each dollar of valuation to be used to pay the 10953  
cost of maintaining the classroom facilities included in the basic 10954  
project cost as determined by the commission. The form of the 10955  
ballot to be used to submit the question whether to approve the 10956  
tax required under this division to the electors of the school 10957  
district shall be the form for an additional levy of taxes 10958  
prescribed in section 3318.361 of the Revised Code, which may be 10959  
combined in a single ballot question with the questions prescribed 10960  
under section 5705.218 of the Revised Code. 10961

(b) As authorized under division (C) of section 3318.05 of 10962  
the Revised Code, the school district board shall earmark from the 10963  
proceeds of a permanent improvement tax levied under section 10964

5705.21 of the Revised Code, an amount equivalent to the 10965  
additional tax otherwise required under division (D)(2)(a) of this 10966  
section for the maintenance of the classroom facilities included 10967  
in the basic project cost as determined by the commission. 10968

(c) As authorized under section 3318.051 of the Revised Code, 10969  
the school district board shall, if approved by the commission, 10970  
annually transfer into the maintenance fund required under section 10971  
3318.05 of the Revised Code the amount prescribed in section 10972  
3318.051 of the Revised Code in lieu of the tax otherwise required 10973  
under division (D)(2)(a) of this section for the maintenance of 10974  
the classroom facilities included in the basic project cost as 10975  
determined by the commission. 10976

(d) If the school district board has rescinded the agreement 10977  
to make transfers under section 3318.051 of the Revised Code, as 10978  
provided under division (F) of that section, the electors of the 10979  
school district, in accordance with section 3318.063 of the 10980  
Revised Code, first shall approve the levy of taxes outside the 10981  
ten-mill limitation for the period specified in that section at a 10982  
rate of not less than one-half mill for each dollar of valuation. 10983

(e) The school district board shall apply the proceeds of a 10984  
tax to leverage bonds as authorized under section 3318.052 of the 10985  
Revised Code or dedicate a local donated contribution in the 10986  
manner described in division (B) of section 3318.084 of the 10987  
Revised Code in an amount equivalent to the additional tax 10988  
otherwise required under division (D)(2)(a) of this section for 10989  
the maintenance of the classroom facilities included in the basic 10990  
project cost as determined by the commission. 10991

(3) A school district board may opt to delay taking any of 10992  
the actions described in division (D)(2) of this section until the 10993  
school district becomes eligible for state assistance under 10994  
sections 3318.01 to 3318.20 of the Revised Code. In order to 10995  
exercise this option, the board shall certify to the commission a 10996

resolution indicating the board's intent to do so prior to 10997  
entering into an agreement under division (B) of this section. 10998

(4) If pursuant to division (D)(3) of this section a district 10999  
board opts to delay levying an additional tax until the district 11000  
becomes eligible for state assistance, it shall submit the 11001  
question of levying that tax to the district electors as follows: 11002

(a) In accordance with section 3318.06 of the Revised Code if 11003  
it will also be necessary pursuant to division (E) of this section 11004  
to submit a proposal for approval of a bond issue; 11005

(b) In accordance with section 3318.361 of the Revised Code 11006  
if it is not necessary to also submit a proposal for approval of a 11007  
bond issue pursuant to division (E) of this section. 11008

(5) No state assistance under sections 3318.01 to 3318.20 of 11009  
the Revised Code shall be released until a school district board 11010  
that adopts and certifies a resolution under division (D) of this 11011  
section also demonstrates to the satisfaction of the commission 11012  
compliance with the provisions of division (D)(2) of this section. 11013

Any amount required for maintenance under division (D)(2) of 11014  
this section shall be deposited into a separate fund as specified 11015  
in division (B) of section 3318.05 of the Revised Code. 11016

(E)(1) If the school district becomes eligible for state 11017  
assistance under sections 3318.01 to 3318.20 of the Revised Code 11018  
based on its percentile ranking under division (B)(3) of this 11019  
section or is offered assistance under section 3318.364 of the 11020  
Revised Code, the commission shall conduct a new assessment of the 11021  
school district's classroom facilities needs and shall recalculate 11022  
the basic project cost based on this new assessment. The basic 11023  
project cost recalculated under this division shall include the 11024  
amount of expenditures made by the school district board under 11025  
division (D)(1) of this section. The commission shall then 11026  
recalculate the school district's portion of the new basic project 11027

cost, which shall be one of the following as applicable: 11028

(a) Except for a tangible personal property phase-out 11029  
impacted district, the percentage of the original basic project 11030  
cost assigned to the school district as its portion under division 11031  
(C) of this section; 11032

(b) For a tangible personal property phase-out impacted 11033  
district, the lesser of (i) the percentage of the original basic 11034  
project cost assigned to the school district as its portion under 11035  
division (C) of this section, or (ii) the percentage of the new 11036  
basic project cost determined under section 3318.032 of the 11037  
Revised Code using the district's current percentile ranking under 11038  
section 3318.011 of the Revised Code. The 11039

The commission shall deduct the expenditure of school 11040  
district moneys made under division (D)(1) of this section from 11041  
the school district's portion of the basic project cost as 11042  
recalculated under this division. If the amount of school district 11043  
resources applied by the school district board to the school 11044  
district's portion of the basic project cost under this section is 11045  
less than the total amount of such portion as recalculated under 11046  
this division, the school district board by a majority vote of all 11047  
of its members shall, if it desires to seek state assistance under 11048  
sections 3318.01 to 3318.20 of the Revised Code, adopt a 11049  
resolution as specified in section 3318.06 of the Revised Code to 11050  
submit to the electors of the school district the question of 11051  
approval of a bond issue in order to pay any additional amount of 11052  
school district portion required for state assistance. Any tax 11053  
levy approved under division (D) of this section satisfies the 11054  
requirements to levy the additional tax under section 3318.06 of 11055  
the Revised Code. 11056

(2) If the amount of school district resources applied by the 11057  
school district board to the school district's portion of the 11058  
basic project cost under this section is more than the total 11059

amount of such portion as recalculated under ~~this~~ division (E)(1) 11060  
of this section, within one year after the school district's 11061  
portion is so recalculated ~~under division (E)(1) of this section~~ 11062  
the commission may grant to the school district the difference 11063  
between the two calculated portions, but at no time shall the 11064  
commission expend any state funds on a project in an amount 11065  
greater than the state's portion of the basic project cost as 11066  
recalculated under ~~this~~ division (E)(1) of this section. 11067

Any reimbursement under this division shall be only for local 11068  
resources the school district has applied toward construction cost 11069  
expenditures for the classroom facilities approved by the 11070  
commission, which shall not include any financing costs associated 11071  
with that construction. 11072

The school district board shall use any moneys reimbursed to 11073  
the district under this division to pay off any debt service the 11074  
district owes for classroom facilities constructed under its 11075  
project under this section before such moneys are applied to any 11076  
other purpose. However, the district board first may deposit 11077  
moneys reimbursed under this division into the district's general 11078  
fund or a permanent improvement fund to replace local resources 11079  
the district withdrew from those funds, as long as, and to the 11080  
extent that, those local resources were used by the district for 11081  
constructing classroom facilities included in the district's basic 11082  
project cost. 11083

(3) A tangible personal property phase-out impacted district 11084  
shall receive credit under division (E) of this section for the 11085  
expenditure of local resources pursuant to any prior agreement 11086  
authorized by this section, notwithstanding any recalculation of 11087  
its average taxable value. 11088

**Sec. 3326.29.** A STEM school established under this chapter 11089  
may submit to the superintendent of public administration a 11090

request for a waiver from administering the state achievement 11091  
assessments required under sections 3301.0710 and 3301.0712 of the 11092  
Revised Code and related requirements specified under division 11093  
(C)(2) of section 3302.15 of the Revised Code in the manner 11094  
prescribed by that section as if it were a school district. A STEM 11095  
school that obtains a waiver under section 3302.15 of the Revised 11096  
Code shall comply with all provisions of that section as if it 11097  
were a school district. A STEM school is presumptively eligible to 11098  
request such a waiver. 11099

Sec. 3345.56. Notwithstanding any provision of the Revised 11100  
Code to the contrary, a student attending a state university as 11101  
defined in section 3345.011 of the Revised Code is not an employee 11102  
of the state university based upon the student's participation in 11103  
an athletic program offered by the state university. 11104

Sec. 3358.03. The government of a state community college 11105  
district is vested in a board of nine trustees who shall be 11106  
appointed by the governor, ~~from within the district,~~ with the 11107  
advice and consent of the senate. Within ninety days after a state 11108  
community college district is created pursuant to section 3358.02 11109  
of the Revised Code, the governor shall make initial appointments 11110  
to the board. Of these appointments three shall be for terms 11111  
ending two years after the date upon which the district was 11112  
created, three shall be for terms ending four years after that 11113  
date, and three shall be for terms ending six years after that 11114  
date. Thereafter, the successive terms of trustees shall be for 11115  
six years, each term ending on the same day of the same month of 11116  
the year as did the term which it ~~succeeds~~ succeeds. Each trustee 11117  
shall hold office from the date of ~~his~~ appointment until the end 11118  
of the term for which ~~he~~ the trustee was appointed. Any trustee 11119  
appointed to fill a vacancy occurring prior to the expiration of 11120

the term for which ~~his~~ the trustee's predecessor was appointed 11121  
shall hold office for the remainder of such term. Any trustee 11122  
shall continue in office subsequent to the expiration date of ~~his~~ 11123  
the trustee's term until ~~his~~ the trustee's successor takes office, 11124  
or until a period of sixty days has elapsed, whichever occurs 11125  
first. Where a state community ~~college~~ college district succeeds to 11126  
the operations of a state general and technical college, or a 11127  
technical college district, the initial board of trustees of the 11128  
district shall be composed of the members of the board of trustees 11129  
of the state general and technical college, or a technical college 11130  
district, to serve for the balance of their existing terms, and 11131  
such additional number appointed by the governor, with the advice 11132  
and consent of the senate, as will total nine members; and the 11133  
terms of such members appointed by the governor originally and to 11134  
all succeeding terms shall be such that, in combination with the 11135  
original remaining terms of the members from the technical college 11136  
district, the eventual result will be that three terms will expire 11137  
every second year. Appointees shall be qualified electors ~~residing~~ 11138  
~~in the state community college district~~ of the state. The trustees 11139  
shall receive no compensation for their services, but may be paid 11140  
for their reasonably necessary expenses while engaged in the 11141  
discharge of their official duties. A majority of the board 11142  
constitutes a quorum. 11143

**Sec. 3517.20.** (A)~~(1)~~ As used in this section: 11144

~~(a)~~(1) "Political publication for or against a candidate" 11145  
means a notice, placard, advertisement, sample ballot, brochure, 11146  
flyer, direct mailer, or other form of general publication that is 11147  
designed to promote the nomination, election, or defeat of a 11148  
candidate. 11149

~~(b)~~(2) "Political publication for or against an issue" means 11150  
a notice, placard, advertisement, sample ballot, brochure, flyer, 11151



direct mailer, or other form of general publication that is 11152  
designed to promote the adoption or defeat of a ballot issue or 11153  
question or to influence the voters in an election. 11154

~~(e)~~(3) "Public political advertising" means newspapers, 11155  
magazines, outdoor advertising facilities, direct mailings, or 11156  
other similar types of general public political advertising, or 11157  
flyers, handbills, or other nonperiodical printed matter. 11158

~~(d)~~(4) "Statewide candidate" has the same meaning as in 11159  
section 3517.102 of the Revised Code. 11160

~~(e)~~(5) "Legislative candidate" means a candidate for the 11161  
office of member of the general assembly. 11162

~~(f)~~(6) "Local candidate" means a candidate for an elective 11163  
office of a political subdivision of this state. 11164

~~(g)~~(7) "Legislative campaign fund" has the same meaning as in 11165  
section 3517.01 of the Revised Code. 11166

~~(h)~~(8) "Limited political action committee" means a political 11167  
action committee of fewer than ten members. 11168

~~(i)~~(9) "Limited political contributing entity" means a 11169  
political contributing entity of fewer than ten members. 11170

~~(j)~~(10) "Designated amount" means one hundred dollars in the 11171  
case of a local candidate or a local ballot issue, two hundred 11172  
fifty dollars in the case of a legislative candidate, or five 11173  
hundred dollars in the case of a statewide candidate or a 11174  
statewide ballot issue. 11175

~~(k)~~(11) "To issue" includes to print, post, distribute, 11176  
reproduce for distribution, or cause to be issued, printed, 11177  
posted, distributed, or reproduced for distribution. 11178

~~(l)~~(12) "Telephone bank" means more than five hundred 11179  
telephone calls of an identical or substantially similar nature 11180  
within any thirty-day period, whether those telephone calls are 11181

made by individual callers or by recording. 11182

~~(2)(a) No political party or other (B)(1) Except as otherwise~~ 11183  
~~provided in division (B)(2) of this section, no entity, except a~~ 11184  
~~political action committee, a political contributing entity, a~~ 11185  
~~candidate, a legislative campaign fund, or a campaign committee,~~ 11186  
~~shall issue a form of political publication for or against a~~ 11187  
~~candidate, or shall make an expenditure for the purpose of~~ 11188  
~~financing political communications in support of or opposition to~~ 11189  
~~a candidate through public political advertising, do any of the~~ 11190  
~~following unless the name and residence or business address of the~~ 11191  
~~candidate or the chairperson, treasurer, or secretary of the~~ 11192  
~~legislative campaign fund, political party, or other entity that~~ 11193  
~~issues or otherwise is responsible for that political publication~~ 11194  
~~or that makes an expenditure for that political communication~~ 11195  
~~appears in a conspicuous place on that political publication or is~~ 11196  
~~contained or included within that political communication the~~ 11197  
~~publication, communication, or telephone call:~~ 11198

(a) Issue a form of political publication in support of or 11199  
opposition to a candidate or a ballot issue or question; 11200

(b) Make an expenditure for the purpose of financing 11201  
political communications in support of or opposition to a 11202  
candidate or a ballot issue or question through public political 11203  
advertising; 11204

(c) Utter or cause to be uttered, over the broadcasting 11205  
facilities of any radio or television station within this state, 11206  
any communication in support of or opposition to a candidate or a 11207  
ballot issue or question or any communication that is designed to 11208  
influence the voters in an election; 11209

(d) Conduct a telephone bank for the purpose of supporting or 11210  
opposing a candidate or a ballot issue or question or for the 11211  
purpose of influencing the voters in an election. 11212

~~(b) No candidate, legislative campaign fund, or campaign committee shall issue a form of political publication for or against a candidate, or shall make an expenditure for the purpose of financing political communications in support of or opposition to a candidate through public political advertising, unless the name of the entity appears in a conspicuous place on that political publication or is contained within that political communication.~~ 11213  
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~~(3) No (2) A limited political action committee or limited political contributing entity shall may do either any of the following unless the without including its name and residence or business address of the chairperson, treasurer, or secretary of the limited political action committee or limited political contributing entity involved appears in a conspicuous place in the political publication for or against a candidate described in division (A)(3)(a) of this section or is contained within the political publication or communication described in division (A)(3)(b) of this section:~~ 11221  
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(a) Issue a form of political publication ~~for or against~~ in support of or opposition to a candidate or a ballot issue or question that ~~costs~~ does not cost in excess of the designated amount or that is not issued in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a campaign committee, a legislative campaign fund, a political party, a political action committee with ten or more members, a political contributing entity with ten or more members, or a limited political action committee or limited political contributing entity that spends in excess of the designated amount on a related or the same or similar political publication ~~for or against~~ in support of or opposition to a candidate or a ballot issue or question; 11231  
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(b) Make an expenditure that is not in excess of the 11244

designated amount in support of or opposition to a candidate or a 11245  
ballot issue or question or make an expenditure that is not made 11246  
in cooperation, consultation, or concert with, or at the request 11247  
or suggestion of, a candidate, a campaign committee, a legislative 11248  
campaign fund, a political party, a political action committee 11249  
with ten or more members, a political contributing entity with ten 11250  
or more members, or a limited political action committee or 11251  
limited political contributing entity that spends in excess of the 11252  
designated amount in support of or opposition to the same 11253  
candidate or a ballot issue or question, for the purpose of 11254  
financing political communications in support of or opposition to 11255  
that candidate or a ballot issue or question through public 11256  
political advertising. 11257

~~(4) No political action committee with ten or more members 11258  
and no political contributing entity with ten or more members 11259  
shall issue a form of political publication for or against a 11260  
candidate, or shall make an expenditure for the purpose of 11261  
financing political communications in support of or opposition to 11262  
a candidate through public political advertising, unless the name 11263  
and residence or business address of the chairperson, treasurer, 11264  
or secretary of the political action committee or political 11265  
contributing entity that issues or otherwise is responsible for 11266  
that political publication or that makes an expenditure for that 11267  
political communication through public political advertising 11268  
appears in a conspicuous place in that political publication or is 11269  
contained within that political communication. 11270~~

~~(5)(a) No corporation, labor organization, political party, 11271  
or other entity, except a political action committee, a 11272  
legislative campaign fund, or a campaign committee, shall issue a 11273  
form of political publication for or against an issue, or shall 11274  
make an expenditure for the purpose of financing political 11275  
communications in support of or opposition to a ballot issue or 11276~~

~~question through public political advertising, unless the name and 11277  
residence or business address of the chairperson, treasurer, or 11278  
secretary of the corporation, labor organization, political party, 11279  
or other entity that issues or otherwise is responsible for that 11280  
political publication or that makes an expenditure for that 11281  
political communication through public political advertising 11282  
appears in a conspicuous place in that political publication or is 11283  
contained within that political communication. 11284~~

~~(b) No campaign committee or legislative campaign fund shall 11285  
issue a form of political publication for or against an issue, or 11286  
shall make an expenditure for the purpose of financing political 11287  
communications in support of or opposition to a ballot issue or 11288  
question through public political advertising, unless the name of 11289  
the campaign committee or legislative campaign fund appears in a 11290  
conspicuous place in that political publication or is contained 11291  
within that political communication. 11292~~

~~(6) No limited political action committee shall do either of 11293  
the following unless the name and residence or business address of 11294  
the chairperson, treasurer, or secretary of the limited political 11295  
action committee involved appears in a conspicuous place in the 11296  
political publication for or against a ballot issue described in 11297  
division (A)(6)(a) of this section or is contained within the 11298  
political communication described in division (A)(6)(b) of this 11299  
section. 11300~~

~~(a) Issue a form of political publication for or against a 11301  
ballot issue that costs in excess of the designated amount or that 11302  
is issued in cooperation, consultation, or concert with, or at the 11303  
request or suggestion of, a candidate, a campaign committee, a 11304  
legislative campaign fund, a political party, a political action 11305  
committee with ten or more members, or a limited political action 11306  
committee that spends in excess of the designated amount for a 11307  
related or the same or similar political publication for or 11308~~

~~against an issue;~~ 11309

~~(b) Make an expenditure in excess of the designated amount in support of or opposition to a ballot issue or make an expenditure in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a campaign committee, a legislative campaign fund, a political party, a political action committee with ten or more members, or a limited political action committee that spends in excess of the designated amount in support of or opposition to the same ballot issue, for the purpose of financing political communications in support of or opposition to that ballot issue through public political advertising.~~ 11310  
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~~(7) No political action committee with ten or more members shall issue a form of political publication for or against an issue, or shall make an expenditure for the purpose of financing political communications in support of or opposition to a ballot issue or question through public political advertising, unless the name and residence or business address of the chairperson, treasurer, or secretary of the political action committee that issues or otherwise is responsible for that political publication or that makes an expenditure for that political communication appears in a conspicuous place in that political publication or is contained within that political communication.~~ 11320  
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~~(8) The disclaimer "paid political advertisement" is not sufficient to meet the requirements of this section.~~ 11331  
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~~(9) If the political publication described in division (A) of this section is issued by the regularly constituted central or executive committee of a political party that is organized as provided in this chapter, it shall be sufficiently identified if it bears the name of the committee and its chairperson or treasurer.~~ 11333  
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~~(10)(C) If more than one piece of printed matter or printed~~ 11339

political communications are mailed as a single packet, the 11340  
requirements of division ~~(A)~~(B) of this section are met if one of 11341  
the pieces of printed matter or printed political communications 11342  
in the packet contains the name ~~and residence or business address~~ 11343  
~~of the chairperson, treasurer, or secretary~~ of the organization or 11344  
entity that issues or is responsible for the printed matter or 11345  
other printed political communications, ~~except that if a campaign~~ 11346  
~~committee or legislative campaign fund mails more than one piece~~ 11347  
~~of printed matter or printed political communications as a single~~ 11348  
~~packet, the requirements of division (A) of this section are met~~ 11349  
~~if one of the pieces of printed matter or printed political~~ 11350  
~~communications in the packet contains the name of the campaign~~ 11351  
~~committee or legislative campaign fund.~~ 11352

~~(11)~~(D) This section does not apply to the transmittal of 11353  
personal correspondence that is not reproduced by machine for 11354  
general distribution. 11355

~~(12)~~(E) The secretary of state, by rule, may exempt from the 11356  
requirements of this section, printed matter and certain other 11357  
kinds of printed communications such as campaign buttons, 11358  
balloons, pencils, or similar items, the size or nature of which 11359  
makes it unreasonable to add an identification or disclaimer. 11360

~~(13)~~(F) The disclaimer or identification described in 11361  
division ~~(A)~~(B) of this section, when paid for by a candidate, 11362  
legislative campaign fund, or campaign committee, shall be 11363  
identified by the words "paid for by" followed by the name of the 11364  
entity. The identification or disclaimer may use reasonable 11365  
abbreviations for common terms such as "committee". 11366

~~(B)(1)~~ No candidate, campaign committee, legislative campaign 11367  
fund, political party, political action committee, limited 11368  
political action committee, political contributing entity, limited 11369  
political contributing entity, or other entity shall utter or 11370  
cause to be uttered, over the broadcasting facilities of any radio 11371

~~or television station within this state, any communication that is  
designed to promote the nomination, election, or defeat of a  
candidate, or the adoption or defeat of an issue or to influence  
the voters in an election, unless the speaker identifies the  
speaker with the speaker's name and residence address or unless  
the communication identifies the chairperson, treasurer, or  
secretary of the organization responsible for the communication  
with the name and residence or business address of that officer,  
except that communications by radio need not broadcast the  
residence or business address of the officer. However, a radio  
station, for a period of at least six months, shall keep the  
residence or business address on file and divulge it to any person  
upon request.~~

The disclaimer "paid political advertisement" is not  
sufficient to meet the requirements of this section.

(G)(1) No person operating a broadcast station or an organ of  
printed media shall broadcast or print a paid political  
communication that does not contain the identification required by  
this section.

(2) Division (B)(1)(c) of this section does not apply to any  
communications made on behalf of a radio or television station or  
network by any employee of such radio or television station or  
network while acting in the course of the employee's employment.

~~(3)(H)~~ No candidate or entity ~~described in division (B)(1) of  
this section~~ shall use or cause to be used a false, fictitious, or  
fraudulent name or address in the making or issuing of a  
publication or communication included within the provisions of  
this section.

~~(C) No candidate, campaign committee, legislative campaign  
fund, political party, political action committee, limited  
political action committee, political contributing entity, limited~~



~~political contributing entity, or other person or entity shall 11403  
conduct a telephone bank for the purpose of promoting the 11404  
nomination, election, or defeat of a candidate or the adoption or 11405  
defeat of an issue or to influence the voters in an election, 11406  
unless the call includes a disclaimer that identifies the name of 11407  
the candidate, campaign committee, legislative campaign fund, 11408  
political party, political action committee, limited political 11409  
action committee, political contributing entity, limited political 11410  
contributing entity, or other person or entity paying for the 11411  
telephone bank. 11412~~

~~(D)~~(I) Before a prosecution may commence under this section, 11413  
a complaint shall be filed with the Ohio elections commission 11414  
under section 3517.153 of the Revised Code. After the complaint is 11415  
filed, the commission shall proceed in accordance with sections 11416  
3517.154 to 3517.157 of the Revised Code. 11417

**Sec. 3701.132.** ~~The department of health is hereby designated 11418  
as the state agency to administer~~ As used in this section, "WIC 11419  
program" means the "special supplemental nutrition program for 11420  
women, infants, and children" established under the "Child 11421  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 11422  
The 11423

The department of health is hereby designated as the state 11424  
agency to administer the WIC program. The director of health may 11425  
adopt rules pursuant to Chapter 119. of the Revised Code as 11426  
necessary for administering the WIC program. The rules may include 11427  
civil money penalties for violations of the rules. 11428

In determining eligibility for services provided under the 11429  
WIC program, the department may use the application form 11430  
established under section ~~5111.013~~ 5163.40 of the Revised Code for 11431  
the healthy start program. The department may require applicants 11432  
to furnish their social security numbers. 11433

If the department determines that a vendor has committed an act with respect to the WIC program that federal statutes or regulations or state statutes or rules prohibit, the department shall take action against the vendor in the manner required by 7 C.F.R. part 246, including imposition of a civil money penalty in accordance with 7 C.F.R. 246.12, or rules adopted under this section.

**Sec. 3701.34.** (A) The Ohio public health advisory board shall review and make recommendations to the director of health on all of the following:

(1) Developing and adopting proposed rules under Chapters 3701 and 3717 of the Administrative Code;

(2) Prescribing proposed fees for services provided by the office of vital statistics and the bureau of environmental health;

(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.

(4) Issues to improve public health and increase awareness of public health issues at the state level, local level, or both;

~~(4)~~(5) Any other public health issues that the director requests the board to consider.

(B) ~~In making recommendations to the director under~~ For purposes of division (A)(1) of this section, all of the following apply:

(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.

(2) Prior to board meetings, copies of proposed rules shall 11464  
be provided to members. On request of a member, the department 11465  
shall ensure that appropriate department employees attend board 11466  
meetings to answer questions concerning proposed rules. 11467

(3)(a) Not later than sixty days after receiving a copy of a 11468  
proposed rule, the board shall recommend approval or disapproval 11469  
of the rule and submit its recommendation by board action to the 11470  
director. In making its recommendation, the board may consider 11471  
public comments provided to the department or the board. 11472

(b) If the board fails to make a recommendation within sixty 11473  
days of receiving a copy of the proposed rule, the director may 11474  
file the proposed rule. 11475

(4) Except as provided in division (B)(3)(b) of this section, 11476  
the director shall consider the board's recommendation before 11477  
filing a proposed rule. On request of the board, the director 11478  
shall meet with the board to discuss the board's recommendation. 11479

(5) If the director disagrees with the board's 11480  
recommendation, the director shall inform the board in writing of 11481  
the director's decision and the reason for the decision prior to 11482  
the next quarterly meeting. The director or the director's 11483  
designee may meet with the board at the next quarterly meeting to 11484  
answer questions regarding why the director disagreed with the 11485  
board's recommendation. 11486

~~(C)~~(6) To the extent the board believes that a proposed rule 11487  
does not comply with requirements established by the joint 11488  
committee on agency rule review or the common sense initiative 11489  
office, nothing in this section prohibits the board, in carrying 11490  
out its duties under division (A)(1) of this section, from 11491  
contacting the joint committee on agency rule review or the common 11492  
sense initiative office. 11493

~~(D) In making recommendations under (C) For purposes of~~ 11494

division (A)(2) of this section ~~for prescribing proposed fees for~~ 11495  
~~services provided by the bureau of environmental health, the board~~ 11496  
and the department shall develop a cost methodology, subject to 11497  
approval by the director, regarding proposed fees for services 11498  
provided by the department's bureau of environmental health. 11499

(D) For purposes of division (A)(3) of this section, a 11500  
proposed WIC program policy change shall be treated as if it were 11501  
a proposed rule subject to division (A)(1) of this section and the 11502  
board and other entities involved in reviewing and making 11503  
recommendations regarding the change may follow all or part of the 11504  
procedures described in division (B) of this section. 11505

(E) This section does not apply to the following: 11506

(1) A proposed rule that is to be refiled with the joint 11507  
committee on agency rule review solely because of technical or 11508  
other nonsubstantive revisions; 11509

(2) The emergency adoption, amendment, or rescission of a 11510  
rule under division (F) of section 119.03 of the Revised Code. 11511

**Sec. 3701.74.** (A) As used in this section and section 11512  
3701.741 of the Revised Code: 11513

(1) "Ambulatory care facility" means a facility that provides 11514  
medical, diagnostic, or surgical treatment to patients who do not 11515  
require hospitalization, including a dialysis center, ambulatory 11516  
surgical facility, cardiac catheterization facility, diagnostic 11517  
imaging center, extracorporeal shock wave lithotripsy center, home 11518  
health agency, inpatient hospice, birthing center, radiation 11519  
therapy center, emergency facility, and an urgent care center. 11520  
"Ambulatory care facility" does not include the private office of 11521  
a physician or dentist, whether the office is for an individual or 11522  
group practice. 11523

(2) "Chiropractor" means an individual licensed under Chapter 11524

4734. of the Revised Code to practice chiropractic.	11525
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	11526 11527 11528
(4) "Health care practitioner" means all of the following:	11529
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	11530 11531
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	11532 11533
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	11534 11535
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	11536 11537 11538 11539
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	11540 11541
(f) A physician;	11542
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	11543 11544
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	11545 11546
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	11547 11548
(j) A chiropractor;	11549
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	11550 11551
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	11552 11553

(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	11554 11555
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	11556 11557
(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;	11558 11559 11560 11561
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	11562 11563
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	11564 11565
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	11566 11567 11568
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	11569 11570 11571
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	11572 11573
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.	11574 11575 11576 11577 11578 11579 11580 11581 11582 11583

(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.

(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.

(10) "Patient" means either of the following:

(a) An individual who received health care treatment from a health care provider;

(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section.

(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.

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(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 11615  
surgery. 11616

(14) "Authorized person" means a person to whom a patient has 11617  
given written authorization to act on the patient's behalf 11618  
regarding the patient's medical record. 11619

(B) A patient, a patient's personal representative, or an 11620  
authorized person who wishes to examine or obtain a copy of part 11621  
or all of a medical record shall submit to the health care 11622  
provider a written request signed by the patient, personal 11623  
representative, or authorized person dated not more than one year 11624  
before the date on which it is submitted. The request shall 11625  
indicate whether the copy is to be sent to the requestor, 11626  
physician or chiropractor, or held for the requestor at the office 11627  
of the health care provider. Within a reasonable time after 11628  
receiving a request that meets the requirements of this division 11629  
and includes sufficient information to identify the record 11630  
requested, a health care provider that has the patient's medical 11631  
records shall permit the patient to examine the record during 11632  
regular business hours without charge or, on request, shall 11633  
provide a copy of the record in accordance with section 3701.741 11634  
of the Revised Code, except that if a physician or chiropractor 11635  
who has treated the patient determines for clearly stated 11636  
treatment reasons that disclosure of the requested record is 11637  
likely to have an adverse effect on the patient, the health care 11638  
provider shall provide the record to a physician or chiropractor 11639  
designated by the patient. The health care provider shall take 11640  
reasonable steps to establish the identity of the person making 11641  
the request to examine or obtain a copy of the patient's record. 11642

(C) If a health care provider fails to furnish a medical 11643  
record as required by division (B) of this section, the patient, 11644  
personal representative, or authorized person who requested the 11645  
record may bring a civil action to enforce the patient's right of 11646



access to the record. 11647

(D)(1) This section does not apply to medical records whose 11648  
release is covered by section 173.20 or 3721.13 of the Revised 11649  
Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 11650  
C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 11651  
Records," or by 42 C.F.R. 483.10. 11652

(2) Nothing in this section is intended to supersede the 11653  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 11654  
and 2305.252 of the Revised Code. 11655

**Sec. 3701.83.** ~~(A)~~ There is hereby created in the state 11656  
treasury the general operations fund. Moneys in the fund shall be 11657  
used for the purposes specified in sections 3701.04, 3701.344, 11658  
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 11659  
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 11660  
3749.04, 3749.07, 4747.04, and 4769.09 of the Revised Code. 11661

~~(B) The alcohol testing program fund is hereby created in the 11662  
state treasury. The director of health shall use the fund to 11663  
administer and enforce the alcohol testing and permit program 11664  
authorized by section 3701.143 of the Revised Code. 11665~~

~~The fund shall receive transfers from the liquor control fund 11666  
created under section 4301.12 of the Revised Code. All investment 11667  
earnings of the alcohol testing program fund shall be credited to 11668  
the fund. 11669~~

**Sec. 3702.511.** (A) Except as provided in division (B) of this 11670  
section, the following activities are reviewable under sections 11671  
3702.51 to 3702.62 of the Revised Code: 11672

(1) Establishment, development, or construction of a new 11673  
long-term care facility; 11674

(2) Replacement of an existing long-term care facility; 11675

(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;	11676 11677 11678 11679
(4) <del>Either of the following changes in long term care bed capacity:</del>	11680 11681
<del>(a) An increase in <u>long-term care</u> bed capacity;</del>	11682
<del>(b)(5) A relocation of <u>long-term care</u> beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site.</del>	11683 11684 11685 11686
<del>(5) Any change in the bed capacity or site, or any other failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted;</del>	11687 11688 11689 11690 11691 11692
(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.	11693 11694 11695
(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:	11696 11697
(1) Acquisition of computer hardware or software;	11698
(2) Acquisition of a telephone system;	11699
(3) Construction or acquisition of parking facilities;	11700
(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;	11701 11702 11703 11704
(5) Acquisition of an existing long-term care facility that	11705

does not involve a change in the number of the beds;	11706
(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;	11707 11708 11709
(7) Construction, repair, or renovation of bathroom facilities;	11710 11711
(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;	11712 11713 11714 11715
(9) Removal of asbestos from a health care facility.	11716
Only that portion of a project that is described in this division is not reviewable.	11717 11718
<b>Sec. 3702.52.</b> 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.	11719 11720 11721 11722
(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.	11723 11724 11725 11726 11727 11728 11729
(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	11730 11731 11732 11733 11734 11735

required by rules adopted under division (B) of section 3702.57 of the Revised Code. 11736  
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(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. 11738  
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(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 application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. The director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two requests for additional information. The director's determination that an application is not complete is final and not subject to appeal. 11748  
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(4) Except as necessary to comply with a subpoena issued under division (F) of this section, after a notice of completeness has been received, no person shall make revisions to information that was submitted to the director before the director mailed the notice of completeness or knowingly discuss in person or by telephone the merits of the application with the director. A 11762  
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person may supplement an application after a notice of 11768  
completeness has been received by submitting clarifying 11769  
information to the director. 11770

(C) All of the following apply to the process of granting or 11771  
denying a certificate of need: 11772

(1) If the project proposed in a certificate of need 11773  
application meets all of the applicable certificate of need 11774  
criteria for approval under sections 3702.51 to 3702.62 of the 11775  
Revised Code and the rules adopted under those sections, the 11776  
director shall grant a certificate of need for all or part of the 11777  
project that is the subject of the application by the applicable 11778  
deadline specified in division (C)(4) of this section or any 11779  
extension of it under division (C)(5) of this section. 11780

(2) The director's grant of a certificate of need does not 11781  
affect, and sets no precedent for, the director's decision to 11782  
grant or deny other applications for similar reviewable 11783  
activities. 11784

(3) Any affected person may submit written comments regarding 11785  
an application. The director shall consider all written comments 11786  
received by the ~~thirtieth~~ forty-fifth day after ~~mailing the notice~~ 11787  
~~of completeness or, in the case of applications under comparative~~ 11788  
~~review, by the thirtieth day after~~ the application is submitted to 11789  
the director ~~mails the last notice of completeness.~~ 11790

(4) Except as provided in division (C)(5) of this section, 11791  
the director shall grant or deny certificate of need applications 11792  
not later than sixty days after mailing the notice of 11793  
completeness. 11794

(5) Except as otherwise provided in division (C)(6) of this 11795  
section, the director or the applicant may extend the deadline 11796  
prescribed in division (C)(4) of this section once, for no longer 11797  
than thirty days, by written notice before the end of the deadline 11798

prescribed by division (C)(4) of this section. An extension by the 11799  
director under division (C)(5) of this section shall apply to all 11800  
applications that are in comparative review. 11801

(6) No applicant in a comparative review may extend the 11802  
deadline specified in division (C)(4) of this section. 11803

(7) If the director does not grant or deny the certificate by 11804  
the applicable deadline specified in division (C)(4) of this 11805  
section or any extension of it under division (C)(5) of this 11806  
section, the certificate shall be considered to have been granted. 11807

(8) In granting a certificate of need, the director shall 11808  
specify as the maximum capital expenditure the certificate holder 11809  
may obligate under the certificate a figure equal to one hundred 11810  
ten per cent of the approved project cost. 11811

(9) In granting a certificate of need, the director may grant 11812  
the certificate with conditions that must be met by the holder of 11813  
the certificate. 11814

(D) When a certificate of need is granted for a project under 11815  
which beds are to be relocated, upon completion of the project for 11816  
which the certificate of need was granted a number of beds equal 11817  
to the number of beds relocated shall cease to be operated in the 11818  
long-term care facility from which they are relocated, except that 11819  
the beds may continue to be operated for not more than fifteen 11820  
days to allow relocation of residents to the facility to which the 11821  
beds have been relocated. Notwithstanding section 3721.03 of the 11822  
Revised Code, if the relocated beds are in a home licensed under 11823  
Chapter 3721. of the Revised Code, the facility's license is 11824  
automatically reduced by the number of beds relocated effective 11825  
fifteen days after the beds are relocated. If the beds are in a 11826  
facility that is certified as a skilled nursing facility or 11827  
nursing facility under Title XVIII or XIX of the "Social Security 11828  
Act," the certification for the beds shall be surrendered. If the 11829

beds are registered under section 3701.07 of the Revised Code as 11830  
skilled nursing beds or long-term care beds, the director shall 11831  
remove the beds from registration not later than fifteen days 11832  
after the beds are relocated. 11833

(E) ~~The director shall monitor the activities of persons~~ 11834  
~~granted certificates of need during~~ During the period beginning 11835  
with the granting of ~~the~~ a certificate of need and ending five 11836  
years after implementation of the reviewable activity for which 11837  
the certificate was granted, the director shall monitor the 11838  
activities of the person granted the certificate to determine 11839  
whether the reviewable activity is conducted in substantial 11840  
accordance with the certificate. A reviewable activity shall not 11841  
be determined to be not in substantial accordance with the 11842  
certificate of need solely because of a decrease in bed capacity. 11843

(F) When reviewing applications for certificates of need, 11844  
considering appeals under section 3702.60 of the Revised Code, or 11845  
monitoring activities of persons granted certificates of need, the 11846  
director may issue and enforce, in the manner provided in section 11847  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 11848  
compel a person to testify and produce documents relevant to 11849  
review of the application, consideration of the appeal, or 11850  
monitoring of the activities. In addition, the director or the 11851  
director's designee may visit the sites where the activities are 11852  
or will be conducted. 11853

(G) The director may withdraw certificates of need. 11854

(H) All long-term care facilities shall submit to the 11855  
director, upon request, any information prescribed by rules 11856  
adopted under division (H) of section 3702.57 of the Revised Code 11857  
that is necessary to conduct reviews of certificate of need 11858  
applications and to develop criteria for reviews. 11859

(I) Any decision to grant or deny a certificate of need shall 11860

consider the special needs and circumstances resulting from moral 11861  
and ethical values and the free exercise of religious rights of 11862  
long-term care facilities administered by religious organizations, 11863  
and the special needs and circumstances of inner city and rural 11864  
communities. 11865

**Sec. 3702.526.** (A) Except as provided in division (B) of this 11866  
section, the director of health shall accept an application for a 11867  
replacement certificate of need for an activity described in 11868  
division (A)~~(5)~~ of section 3702.511 of the Revised Code to replace 11869  
an approved certificate of need ~~for that activity~~ if all of the 11870  
following conditions are met: 11871

(1) The applicant requests the replacement certificate of 11872  
need so that the reviewable activity for which the approved 11873  
certificate of need was granted can be implemented in a manner 11874  
that is not in substantial accordance with the approved 11875  
certificate of need. 11876

(2) The applicant is the same as the applicant for the 11877  
approved certificate of need or an affiliated or related person as 11878  
described in division (B) of section 3702.523 of the Revised Code. 11879

~~(2)~~(3) The source of any long-term care beds to be relocated 11880  
is the same as in the approved certificate of need. 11881

~~(3)~~(4) The application for the approved certificate of need 11882  
was not subject to comparative review under section 3702.593 of 11883  
the Revised Code. 11884

(B) The director shall not accept an application for a 11885  
replacement certificate that proposes to increase the number of 11886  
long-term care beds to be relocated specified in the application 11887  
for the approved certificate of need. 11888

(C) For the purpose of determining whether long-term care 11889  
beds are from an existing long-term care facility, the director 11890



shall consider the date of filing of the application for a replacement certificate to be the same as the date of filing of the original application for the approved certificate of need.

(D) Any long-term care beds that were ~~approved~~ proposed to be relocated in the approved certificate of need remain ~~approved~~ eligible to be recategorized as a different category of long-term care beds in the application for a replacement certificate.

(E) The applicant shall submit with the application for a replacement certificate a nonrefundable fee equal to the application fee for the approved certificate of need.

(F) The director shall review and approve or deny the application for the replacement certificate in the same manner as the application for the approved certificate of need.

(G) Upon approval of the application for a replacement certificate, the original certificate of need is automatically voided.

**Sec. 3702.59.** (A) The director of health shall accept for review certificate of need applications as provided in sections 3702.592, 3702.593, and 3702.594 of the Revised Code.

(B)(1) The director shall not approve an application for a certificate of need for the addition of long-term care beds to an existing long-term care facility or for the development of a new long-term care facility if any of the following apply:

(a) The existing long-term care facility in which the beds are being placed has one or more waivers for life safety code deficiencies, one or more state fire code violations, or one or more state building code violations, and the project identified in the application does not propose to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the

existing long-term care facility in which the beds are being placed; 11921  
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(b) During the sixty-month period preceding the filing of the application, a notice of proposed license revocation was issued under section 3721.03 of the Revised Code for the existing long-term care facility in which the beds are being placed or a nursing home owned or operated by the applicant or a principal participant. 11923  
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(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing long-term care facility in which the beds are being placed, any of the following occurred: 11929  
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(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies. 11933  
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(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies. 11936  
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(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency. 11938  
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(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners: 11942  
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(i) On three or more separate occasions for final, 11951

nonappealable actual harm but not immediate jeopardy deficiencies;	11952
(ii) On two or more separate occasions for final,	11953
nonappealable immediate jeopardy deficiencies;	11954
(iii) On two separate occasions for final, nonappealable	11955
actual harm but not immediate jeopardy deficiencies and on one	11956
occasion for a final, nonappealable immediate jeopardy deficiency.	11957
(2) In applying divisions (B)(1)(a) to (d) of this section,	11958
the director shall not consider deficiencies or violations cited	11959
before the applicant or a principal participant acquired or began	11960
to own or operate the long-term care facility at which the	11961
deficiencies or violations were cited. The director may disregard	11962
deficiencies and violations cited after the long-term care	11963
facility was acquired or began to be operated by the applicant or	11964
a principal participant if the deficiencies or violations were	11965
attributable to circumstances that arose under the previous owner	11966
or operator and the applicant or principal participant has	11967
implemented measures to alleviate the circumstances. In the case	11968
of an application proposing development of a new long-term care	11969
facility by relocation of beds, the director shall not consider	11970
deficiencies or violations that were solely attributable to the	11971
physical plant of the existing long-term care facility from which	11972
the beds are being relocated.	11973
(C) The director also shall accept for review any application	11974
for the conversion of infirmary beds to long-term care beds if the	11975
infirmary meets all of the following conditions:	11976
(1) Is operated exclusively by a religious order;	11977
(2) Provides care exclusively to members of religious orders	11978
who take vows of celibacy and live by virtue of their vows within	11979
the orders as if related;	11980
(3) Was providing care exclusively to members of such a	11981
religious order on January 1, 1994.	11982

(D) Notwithstanding division (C)(2) of this section, a facility that has been granted a certificate of need under division (C) of this section may provide care to any of the following family members of the individuals described in division (C)(2) of this section: mothers, fathers, brothers, sisters, brothers-in-law, sisters-in-law, or children. Such a facility may also provide care to any individual who has been designated an associate member by the religious order that operates the facility.

The long-term care beds in a facility that have been granted a certificate of need under division (C) of this section may not be relocated pursuant to sections 3702.592 to 3702.594 of the Revised Code.

**Sec. 3702.71.** As used in sections 3702.71 to 3702.81 of the Revised Code:

(A) "Full-time practice" means working a minimum of forty hours per week for a minimum of forty-five weeks each service year.

(B) "Part-time practice" means working a minimum of twenty and a maximum of thirty-nine hours per week for a minimum of forty-five weeks per service year.

(C) "Primary care physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and is board certified or board eligible in a primary care specialty.

~~(B)~~(D) "Primary care service" means professional comprehensive personal health services, which may include health education and disease prevention, treatment of uncomplicated health problems, diagnosis of chronic health problems, overall management of health care services for an individual or a family,

and the services of a psychiatrist. "Primary care service" also 12013  
includes providing the initial contact for health care services 12014  
~~and~~, making referrals for secondary and tertiary care and for 12015  
continuity of health care services, and teaching activities to the 12016  
extent specified in a contract entered into pursuant to section 12017  
3702.74 of the Revised Code. 12018

~~(C)~~(E) "Primary care specialty" means general internal 12019  
medicine, pediatrics, adolescent medicine, obstetrics and 12020  
gynecology, psychiatry, child and adolescent psychiatry, geriatric 12021  
psychiatry, combined internal medicine and pediatrics, geriatrics, 12022  
or family practice. 12023

(F) "Teaching activities" means supervising medical students 12024  
and medical residents at the service site specified in the letter 12025  
of intent described in section 3702.73 of the Revised Code. 12026

**Sec. 3702.74.** (A) A primary care physician who has signed a 12027  
letter of intent under section 3702.73 of the Revised Code and the 12028  
director of health may enter into a contract for the physician's 12029  
participation in the physician loan repayment program. The 12030  
physician's employer or other funding source may also be a party 12031  
to the contract. 12032

(B) The contract shall include all of the following 12033  
obligations: 12034

(1) The primary care physician agrees to provide primary care 12035  
services in the health resource shortage area identified in the 12036  
letter of intent for ~~at least two years~~ the number of hours and 12037  
duration specified in the contract; 12038

(2) When providing primary care services in the health 12039  
resource shortage area, the primary care physician agrees to do 12040  
all of the following: 12041

(a) Provide primary care services ~~for a minimum of forty~~ 12042

~~hours per week, of which at least twenty one hours will be spent~~ 12043  
~~providing patient care in an outpatient or ambulatory setting~~ 12044  
~~approved by the department of health;~~ 12045

(b) Provide primary care services without regard to a 12046  
patient's ability to pay; 12047

(c) Meet the requirements for a medicaid provider agreement 12048  
and enter into the agreement with the department of medicaid to 12049  
provide primary care services to medicaid recipients. 12050

(3) The department of health agrees, as provided in section 12051  
3702.75 of the Revised Code, to repay, so long as the primary care 12052  
physician performs the service obligation agreed to under division 12053  
(B)(1) of this section, all or part of the principal and interest 12054  
of a government or other educational loan taken by the primary 12055  
care physician for expenses described in section 3702.75 of the 12056  
Revised Code; 12057

(4) The primary care physician agrees to pay the department 12058  
of health an amount established by rules adopted under section 12059  
3702.79 of the Revised Code if the physician fails to complete the 12060  
service obligation agreed to under division (B)(1) of this 12061  
section. 12062

(C) ~~The contract may include any other terms agreed upon by~~ 12063  
~~the parties shall include the following terms as agreed upon by~~ 12064  
~~the parties:~~ 12065

(1) The primary care physician's required length of service 12066  
in the health resource shortage area, which must be at least two 12067  
years; 12068

(2) The number of weekly hours the primary care physician 12069  
will be engaged in full-time practice or part-time practice in the 12070  
health resource shortage area; 12071

(3) The maximum amount that the department will repay on 12072

behalf of the primary care physician; 12073

(4) The extent to which the primary care physician's teaching 12074  
activities will be counted toward the physician's full-time 12075  
practice or part-time practice hours under the contract. 12076

(D) If the amount specified in division (C)(3) of this 12077  
section includes funds from the bureau of clinician recruitment 12078  
and service in the United States department of health and human 12079  
services, the amount of state funds repaid on the individual's 12080  
behalf shall be the same as the amount of those funds. 12081

**Sec. 3702.75.** There is hereby created the physician loan 12082  
repayment program. Under the program, the department of health, by 12083  
means of a contract provision under division (B)(3) of section 12084  
3702.74 of the Revised Code, may agree to repay all or part of the 12085  
principal and interest of a government or other educational loan 12086  
taken by a primary care physician for the following expenses, so 12087  
long as the expenses were incurred while the physician was 12088  
enrolled in, for up to a maximum of four years, a medical school 12089  
or osteopathic medical school in the United States that was, 12090  
during the time enrolled, accredited by the liaison committee on 12091  
medical education or the American osteopathic association, or a 12092  
medical school or osteopathic medical school located outside the 12093  
United States that was, during the time enrolled, acknowledged by 12094  
the world health organization and verified by a member state of 12095  
that organization as operating within the state's jurisdiction: 12096

(A) Tuition; 12097

(B) Other educational expenses, such as fees, books, and 12098  
laboratory expenses, for specific purposes and in amounts 12099  
determined to be reasonable by the director of health; 12100

(C) Room and board, in an amount determined reasonable by the 12101  
director of health. 12102

~~In the first and second years, no repayment shall exceed  
twenty five thousand dollars in each year. In the third and fourth  
years, no repayment shall exceed thirty five thousand dollars in  
each year. If, however, a repayment results in an increase in the  
primary care physician's federal, state, or local income tax  
liability, at the physician's request, the department may  
reimburse the physician for the increased tax liability,  
regardless of the amount of the repayment made to the physician in  
that year.~~

~~Not later than the thirty first day of January each year, the  
department shall mail to each physician to whom or on whose behalf  
repayment is made under this section a statement showing the  
amount repaid by the department pursuant to the contract in the  
preceding year. The statement shall be sent by ordinary mail with  
address correction and forwarding requested in the manner  
prescribed by the United States postal service.~~

**Sec. 3702.91.** (A) As used in this section:

(1) "Full-time practice" and "part-time practice" have the  
same meanings as in section 3702.71 of the Revised Code;

(2) "Teaching activities" means supervising dental students  
and dental residents at the service site specified in the letter  
of intent described in section 3702.90 of the Revised Code.

(B) An individual who has signed a letter of intent ~~under  
section 3702.90 of the Revised Code~~ may enter into a contract with  
the director of health for participation in the dentist loan  
repayment program. The dentist's employer or other funding source  
may also be a party to the contract.

~~(B)~~(C) The contract shall include all of the following  
obligations:

(1) The individual agrees to provide dental services in the



dental health resource shortage area identified in the letter of 12133  
intent for ~~at least two years~~ the number of hours and duration 12134  
specified in the contract. 12135

(2) When providing dental services in the dental health 12136  
resource shortage area, the individual agrees to do all of the 12137  
following: 12138

(a) Provide dental services ~~for a minimum of forty hours per~~ 12139  
~~week~~ in a service site approved by the department of health; 12140

(b) Provide dental services without regard to a patient's 12141  
ability to pay; 12142

(c) Meet the requirements for a medicaid provider agreement 12143  
and enter into the agreement with the department of medicaid to 12144  
provide dental services to medicaid recipients. 12145

(3) The department of health agrees, as provided in section 12146  
3702.85 of the Revised Code, to repay, so long as the individual 12147  
performs the service obligation agreed to under division ~~(B)~~(C)(1) 12148  
of this section, all or part of the principal and interest of a 12149  
government or other educational loan taken by the individual for 12150  
expenses described in section 3702.85 of the Revised Code. 12151

(4) The individual agrees to pay the department of health an 12152  
amount established by rules adopted under section 3702.86 of the 12153  
Revised Code, if the individual fails to complete the service 12154  
obligation agreed to under division ~~(B)~~(C)(1) of this section. 12155

~~(C)~~(D) The contract ~~may~~ shall include ~~any other~~ the following 12156  
terms as agreed upon by the parties: 12157

(1) The individual's required length of service in the dental 12158  
health resource shortage area, which must be at least two years; 12159

(2) The number of weekly hours the individual will be engaged 12160  
in full-time practice or part-time practice; 12161

(3) The maximum amount that the department will repay on 12162

behalf of the individual; 12163

(4) The extent to which the individual's teaching activities 12164  
will be counted toward the individual's full-time practice or 12165  
part-time practice hours under the contract. 12166

~~(D) Not later than the thirty first day of January of each~~ 12167  
~~year, the department of health shall mail to each individual to~~ 12168  
~~whom or on whose behalf repayment is made under the dentist loan~~ 12169  
~~repayment program a statement showing the amount of principal and~~ 12170  
~~interest repaid by the department pursuant to the contract in the~~ 12171  
~~preceding year. The statement shall be sent by ordinary mail with~~ 12172  
~~address correction and forwarding requested in the manner~~ 12173  
~~prescribed by the United States postal service.~~ 12174

(E) If the amount specified in division (D)(3) of this 12175  
section includes funds from the bureau of clinician recruitment 12176  
and service in the United States department of health and human 12177  
services, the amount of state funds repaid on the individual's 12178  
behalf shall be the same as the amount of those funds. 12179

**Sec. 3702.95.** The director of health may accept gifts of 12180  
money from any source for the implementation and administration of 12181  
sections 3702.85 to ~~3702.93~~ 3702.92 of the Revised Code. 12182

The director shall pay all gifts accepted under this section 12183  
into the state treasury, to the credit of the dental health 12184  
resource shortage area fund, which is hereby created, and all 12185  
damages collected under division ~~(B)~~(C)(4) of section 3702.91 of 12186  
the Revised Code, into the state treasury, to the credit of the 12187  
dentist loan repayment fund, which is hereby created. 12188

The director shall use the dental health resource shortage 12189  
area and dentist loan repayment funds for the implementation and 12190  
administration of sections 3702.85 to 3702.95 of the Revised Code. 12191

**Sec. 3721.02.** (A) As used in this section, "residential 12192

facility" means a residential facility licensed under section 12193  
5119.34 of the Revised Code that provides accommodations, 12194  
supervision, and personal care services for three to sixteen 12195  
unrelated adults. 12196

(B)(1) The director of health shall license homes and 12197  
establish procedures to be followed in inspecting and licensing 12198  
homes. The director may inspect a home at any time. Each home 12199  
shall be inspected by the director at least once prior to the 12200  
issuance of a license and at least once every fifteen months 12201  
thereafter. The state fire marshal or a township, municipal, or 12202  
other legally constituted fire department approved by the marshal 12203  
shall also inspect a home prior to issuance of a license, at least 12204  
once every fifteen months thereafter, and at any other time 12205  
requested by the director. A home does not have to be inspected 12206  
prior to issuance of a license by the director, state fire 12207  
marshal, or a fire department if ownership of the home is assigned 12208  
or transferred to a different person and the home was licensed 12209  
under this chapter immediately prior to the assignment or 12210  
transfer. The director may enter at any time, for the purposes of 12211  
investigation, any institution, residence, facility, or other 12212  
structure that has been reported to the director or that the 12213  
director has reasonable cause to believe is operating as a nursing 12214  
home, residential care facility, or home for the aging without a 12215  
valid license required by section 3721.05 of the Revised Code or, 12216  
in the case of a county home or district home, is operating 12217  
despite the revocation of its residential care facility license. 12218  
The director may delegate the director's authority and duties 12219  
under this chapter to any division, bureau, agency, or official of 12220  
the department of health. 12221

(2)(a) If, prior to issuance of a license, a home submits a 12222  
request for an expedited licensing inspection and the request is 12223  
submitted in a manner and form approved by the director, the 12224

director shall commence an inspection of the home not later than 12225  
ten business days after receiving the request. 12226

(b) On request, submitted in a manner and form approved by 12227  
the director, the director may review plans for a building that is 12228  
to be used as a home for compliance with applicable state and 12229  
local building and safety codes. 12230

(c) The director may charge a fee for an expedited licensing 12231  
inspection or a plan review that is adequate to cover the expense 12232  
of expediting the inspection or reviewing the plans. The fee shall 12233  
be deposited in the state treasury to the credit of the general 12234  
operations fund created in section 3701.83 of the Revised Code and 12235  
used solely for expediting inspections and reviewing plans. 12236

(C) A single facility may be licensed both as a nursing home 12237  
pursuant to this chapter and as a residential facility pursuant to 12238  
section 5119.34 of the Revised Code if the director determines 12239  
that the part or unit to be licensed as a nursing home can be 12240  
maintained separate and discrete from the part or unit to be 12241  
licensed as a residential facility. 12242

(D) In determining the number of residents in a home for the 12243  
purpose of licensing, the director shall consider all the 12244  
individuals for whom the home provides accommodations as one group 12245  
unless one of the following is the case: 12246

(1) The home is a home for the aging, in which case all the 12247  
individuals in the part or unit licensed as a nursing home shall 12248  
be considered as one group, and all the individuals in the part or 12249  
unit licensed as a rest home shall be considered as another group. 12250

(2) The home is both a nursing home and a residential 12251  
facility. In that case, all the individuals in the part or unit 12252  
licensed as a nursing home shall be considered as one group, and 12253  
all the individuals in the part or unit licensed as an adult care 12254  
facility shall be considered as another group. 12255

(3) The home maintains, in addition to a nursing home or residential care facility, a separate and discrete part or unit that provides accommodations to individuals who do not require or receive skilled nursing care and do not receive personal care services from the home, in which case the individuals in the separate and discrete part or unit shall not be considered in determining the number of residents in the home if the separate and discrete part or unit is in compliance with the Ohio basic building code established by the board of building standards under Chapters 3781. and 3791. of the Revised Code and the home permits the director, on request, to inspect the separate and discrete part or unit and speak with the individuals residing there, if they consent, to determine whether the separate and discrete part or unit meets the requirements of this division.

(E)(1) The director of health shall charge the following application fee and annual renewal licensing and inspection fee for each fifty persons or part thereof of a home's licensed capacity:

(a) For state fiscal year 2010, two hundred twenty dollars;

(b) For state fiscal year 2011, two hundred seventy dollars;

(c) For each state fiscal year thereafter, three hundred twenty dollars.

(2) All fees collected by the director for the issuance or renewal of licenses shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use only in administering and enforcing this chapter and rules adopted under it.

(F)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the

statement on the basis of the inspection or investigation, shall 12287  
be used solely to determine the home's compliance with this 12288  
chapter or another chapter of the Revised Code in any action or 12289  
proceeding other than an action commenced under division (I) of 12290  
section 3721.17 of the Revised Code. Those results of an 12291  
inspection or investigation, that statement of deficiencies, and 12292  
the findings and deficiencies cited in that statement shall not be 12293  
used in any court or in any action or proceeding that is pending 12294  
in any court and are not admissible in evidence in any action or 12295  
proceeding unless that action or proceeding is an appeal of an 12296  
action by the department of health under this chapter or is an 12297  
action by any department or agency of the state to enforce this 12298  
chapter or another chapter of the Revised Code. 12299

(2) Nothing in division ~~(E)~~(F)(1) of this section prohibits 12300  
the results of an inspection or investigation conducted under this 12301  
section from being used in a criminal investigation or 12302  
prosecution. 12303

Sec. 3721.122. Before an individual is admitted as a resident 12304  
to a home, the home's administrator shall search for the 12305  
individual's name in the internet-based sex offender and 12306  
child-victim offender database established under division (A)(11) 12307  
of section 2950.13 of the Revised Code. If the search results 12308  
identify the individual as a sex offender and the individual is 12309  
admitted as a resident to the home, the administrator shall 12310  
provide for the home to do all of the following: 12311

(A) Develop a plan of care to protect the other residents' 12312  
rights to a safe environment and to be free from abuse; 12313

(B) Notify all of the home's other residents and their 12314  
sponsors that a sex offender has been admitted as a resident to 12315  
the home and include in the notice a description of the plan of 12316  
care developed under division (A) of this section; 12317

(C) Direct the individual in updating the individual's 12318  
address under section 2950.05 of the Revised Code and, if the 12319  
individual is unable to do so without assistance, provide the 12320  
assistance the individual needs to update the individual's address 12321  
under that section. 12322

**Sec. 3730.09.** (A) Each operator of a business that offers 12323  
tattooing or body piercing services shall do all of the following: 12324

(1) Maintain procedures for ensuring that the individuals who 12325  
perform tattooing or body piercing procedures are adequately 12326  
trained to perform the procedures properly; 12327

(2) With respect to tattooing services, maintain written 12328  
records that include the color, manufacturer, and lot number of 12329  
each pigment used for each tattoo performed; 12330

(3) Comply with the safety and sanitation requirements for 12331  
preventing transmission of infectious diseases, as established in 12332  
rules adopted under section 3730.10 of the Revised Code; 12333

~~(4) Require the individuals who perform tattooing and body~~ 12334  
~~piercing procedures to disinfect and sterilize~~ Ensure that all 12335  
invasive equipment or parts of equipment used in performing ~~the~~ 12336  
tattooing and body piercing procedures are disinfected and 12337  
sterilized by using methods that meet the disinfection and 12338  
sterilization requirements established in rules adopted under 12339  
section 3730.10 of the Revised Code; 12340

(5) Ensure that weekly tests of the business's heat 12341  
sterilization devices are performed to determine whether the 12342  
devices are functioning properly. In having the devices tested, 12343  
the operator of the business shall use a biological monitoring 12344  
system that indicates whether the devices are killing 12345  
microorganisms. If a test indicates that a device is not 12346  
functioning properly, the operator shall take immediate remedial 12347

action to ensure that heat sterilization is being accomplished. 12348  
The operator shall maintain documentation that the weekly tests 12349  
are being performed. To comply with the documentation requirement, 12350  
the documents must consist of a log that indicates the date on 12351  
which each test is performed and the name of the person who 12352  
performed the test or, if a test was conducted by an independent 12353  
testing entity, a copy of the entity's testing report. The 12354  
operator shall maintain records of each test performed for at 12355  
least two years. 12356

(B) Each operator of a business that offers ear piercing 12357  
services performed with an ear piercing gun shall require the 12358  
individuals who perform the ear piercing services to disinfect and 12359  
sterilize the ear piercing gun by using chemical solutions that 12360  
meet the disinfection and sterilization requirements established 12361  
in rules adopted under section 3730.10 of the Revised Code. 12362

**Sec. 3735.31.** A metropolitan housing authority created under 12363  
sections 3735.27 to 3735.50 of the Revised Code, constitutes a 12364  
body corporate and politic. Nothing in this chapter shall limit 12365  
the authority of a metropolitan housing authority, or a nonprofit 12366  
corporation formed by a metropolitan housing authority to carry 12367  
out its functions, to compete for and perform federal housing 12368  
contracts or grants within or outside this state. To clear, plan, 12369  
and rebuild slum areas within the district in which the authority 12370  
is created, to provide safe and sanitary housing accommodations to 12371  
families of low income within that district, or to accomplish any 12372  
combination of the foregoing purposes, the authority may do any of 12373  
the following: 12374

(A) Sue and be sued; have a seal; have corporate succession; 12375  
receive grants from state, federal, or other governments, or from 12376  
private sources; conduct investigations into housing and living 12377  
conditions; enter any buildings or property in order to conduct 12378



its investigations; conduct examinations, subpoena, and require 12379  
the attendance of witnesses and the production of books and 12380  
papers; issue commissions for the examination of witnesses who are 12381  
out of the state or unable to attend before the authority or 12382  
excused from attendance; and in connection with these powers, any 12383  
member of the authority may administer oaths, take affidavits, and 12384  
issue subpoenas; 12385

(B) Determine what areas constitute slum areas, and prepare 12386  
plans for housing projects in those areas; purchase, lease, sell, 12387  
exchange, transfer, assign, or mortgage any property, real or 12388  
personal, or any interest in that property, or acquire the same by 12389  
gift, bequest, or eminent domain; own, hold, clear, and improve 12390  
property; provide and set aside housing projects, or dwelling 12391  
units comprising portions of housing projects, designed especially 12392  
for the use of families, the head of which or the spouse of which 12393  
is sixty-five years of age or older; engage in, or contract for, 12394  
the construction, reconstruction, alteration, or repair, or both, 12395  
of any housing project or part of any housing project; include in 12396  
any contract let in connection with a project, stipulations 12397  
requiring that the contractor and any subcontractors comply with 12398  
requirements as to minimum wages and maximum hours of labor, and 12399  
comply with any conditions that the federal government has 12400  
attached to its financial aid of the project; lease or operate, or 12401  
both, any project, and establish or revise schedules of rents for 12402  
any projects or part of any project; arrange with the county or 12403  
municipal corporations, or both, for the planning and replanning 12404  
of streets, alleys, and other public places or facilities in 12405  
connection with any area or project; borrow money upon its notes, 12406  
debentures, or other evidences of indebtedness, and secure the 12407  
same by mortgages upon property held or to be held by it, or by 12408  
pledge of its revenues, or in any other manner; invest any funds 12409  
held in reserves or sinking funds or not required for immediate 12410  
disbursements; execute contracts and all other instruments 12411

necessary or convenient to the exercise of the powers granted in 12412  
this section; make, amend, and repeal bylaws and rules to carry 12413  
into effect its powers and purposes; 12414

(C) Borrow money or accept grants or other financial 12415  
assistance from the federal government for or in aid of any 12416  
housing project within its territorial limits; take over or lease 12417  
or manage any housing project or undertaking constructed or owned 12418  
by the federal government; comply with any conditions and enter 12419  
into any mortgages, trust indentures, leases, or agreements that 12420  
are necessary, convenient, or desirable; 12421

(D) Subject to section 3735.311 of the Revised Code, employ a 12422  
police force to protect the lives and property of the residents of 12423  
housing projects within the district, to preserve the peace in the 12424  
housing projects, and to enforce the laws, ordinances, and 12425  
regulations of this state and its political subdivisions in the 12426  
housing projects and, when authorized by law, outside the limits 12427  
of the housing projects. 12428

(E) Enter into an agreement with a county, municipal 12429  
corporation, or township in whose jurisdiction the metropolitan 12430  
housing authority is located that permits metropolitan housing 12431  
authority police officers employed under division (D) of this 12432  
section to exercise full arrest powers as provided in section 12433  
2935.03 of the Revised Code, perform any police function, exercise 12434  
any police power, or render any police service within specified 12435  
areas of the county, municipal corporation, or township for the 12436  
purpose of preserving the peace and enforcing all laws of the 12437  
state, ordinances of the municipal corporation, or regulations of 12438  
the township. 12439

**Sec. 3735.67.** (A) The owner of real property located in a 12440  
community reinvestment area and eligible for exemption from 12441  
taxation under a resolution adopted pursuant to section 3735.66 of 12442

the Revised Code may file an application for an exemption from 12443  
real property taxation of a percentage of the assessed valuation 12444  
of a new structure or remodeling, completed after the effective 12445  
date of the resolution adopted pursuant to section 3735.66 of the 12446  
Revised Code, with the housing officer designated pursuant to 12447  
section 3735.66 of the Revised Code for the community reinvestment 12448  
area in which the property is located. If any part of the new 12449  
structure or remodeling that would be exempted is of real property 12450  
to be used for commercial or industrial purposes, the legislative 12451  
authority and the owner of the property shall enter into a written 12452  
agreement pursuant to section 3735.671 of the Revised Code prior 12453  
to commencement of construction or remodeling; if such an 12454  
agreement is subject to approval by the board of education of the 12455  
school district within the territory of which the property is or 12456  
will be located, the agreement shall not be formally approved by 12457  
the legislative authority until the board of education approves 12458  
the agreement in the manner prescribed by that section. 12459

(B) The housing officer shall verify the construction of the 12460  
new structure or the cost of the remodeling and the facts asserted 12461  
in the application. The housing officer shall determine whether 12462  
the construction or the cost of the remodeling meets the 12463  
requirements for an exemption under this section. In cases 12464  
involving a structure of historical or architectural significance, 12465  
the housing officer shall not determine whether the remodeling 12466  
meets the requirements for a tax exemption unless the 12467  
appropriateness of the remodeling has been certified, in writing, 12468  
by the society, association, agency, or legislative authority that 12469  
has designated the structure or by any organization or person 12470  
authorized, in writing, by such society, association, agency, or 12471  
legislative authority to certify the appropriateness of the 12472  
remodeling. 12473

(C) If the construction or remodeling meets the requirements 12474

for exemption, the housing officer shall forward the application 12475  
to the county auditor with a certification as to the division of 12476  
this section under which the exemption is granted, and the period 12477  
and percentage of the exemption as determined by the legislative 12478  
authority pursuant to that division. If the construction or 12479  
remodeling is of commercial or industrial property and the 12480  
legislative authority is not required to certify a copy of a 12481  
resolution under section 3735.671 of the Revised Code, the housing 12482  
officer shall comply with the notice requirements prescribed under 12483  
section 5709.83 of the Revised Code, unless the board has adopted 12484  
a resolution under that section waiving its right to receive such 12485  
a notice. 12486

(D) Except as provided in division (F) of this section, the 12487  
tax exemption shall first apply in the year the construction or 12488  
remodeling would first be taxable but for this section. In the 12489  
case of remodeling that qualifies for exemption, a percentage, not 12490  
to exceed one hundred per cent, of the amount by which the 12491  
remodeling increased the assessed value of the structure shall be 12492  
exempted from real property taxation. In the case of construction 12493  
of a structure that qualifies for exemption, a percentage, not to 12494  
exceed one hundred per cent, of the assessed value of the 12495  
structure shall be exempted from real property taxation. In either 12496  
case, the percentage shall be the percentage set forth in the 12497  
agreement if the structure or remodeling is to be used for 12498  
commercial or industrial purposes, or the percentage set forth in 12499  
the resolution describing the community reinvestment area if the 12500  
structure or remodeling is to be used for residential purposes. 12501

The construction of new structures and the remodeling of 12502  
existing structures are hereby declared to be a public purpose for 12503  
which exemptions from real property taxation may be granted for 12504  
the following periods: 12505

(1) For every dwelling containing not more than two family 12506

units located within the same community reinvestment area and upon 12507  
which the cost of remodeling is at least two thousand five hundred 12508  
dollars, a period to be determined by the legislative authority 12509  
adopting the resolution describing the community reinvestment area 12510  
where the dwelling is located, but not exceeding ten years unless 12511  
extended pursuant to division (D)(3) of this section; 12512

(2) For every dwelling containing more than two units and 12513  
commercial or industrial properties, located within the same 12514  
community reinvestment area, upon which the cost of remodeling is 12515  
at least five thousand dollars, a period to be determined by the 12516  
legislative authority adopting the resolution, but not exceeding 12517  
twelve years unless extended pursuant to division (D)(3) of this 12518  
section; 12519

(3) The period of exemption for a dwelling described in 12520  
division (D)(1) or (2) of this section may be extended by a 12521  
legislative authority for up to an additional ten years if the 12522  
dwelling is a structure of historical or architectural 12523  
significance, is a certified historic structure that has been 12524  
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 12525  
and units within the structure have been leased to individual 12526  
tenants for five consecutive years; 12527

(4) Except as provided in division (F) of this section, for 12528  
construction of every dwelling, and commercial or industrial 12529  
structure located within the same community reinvestment area, a 12530  
period to be determined by the legislative authority adopting the 12531  
resolution, but not exceeding fifteen years. 12532

(E) Any person, board, or officer authorized by section 12533  
5715.19 of the Revised Code to file complaints or counterclaims to 12534  
complaints with the county board of revision may file a complaint 12535  
with the housing officer challenging the continued exemption of 12536  
any property granted an exemption under this section. A complaint 12537  
against exemption shall be filed prior to the thirty-first day of 12538

December of the tax year for which taxation of the property is requested. The housing officer shall determine whether the property continues to meet the requirements for exemption and shall certify the housing officer's findings to the complainant. If the housing officer determines that the property does not meet the requirements for exemption, the housing officer shall notify the county auditor, who shall correct the tax list and duplicate accordingly.

(F) The owner of a dwelling constructed in a community reinvestment area may file an application for an exemption after the year the construction first became subject to taxation. The application shall be processed in accordance with the procedures prescribed under this section and shall be granted if the construction that is the subject of the application otherwise meets the requirements for an exemption under this section. If approved, the exemption sought in the application first applies in the year the application is filed. An exemption approved pursuant to this division continues only for those years remaining in the period described in division (D)(4) of this section. No exemption may be claimed for any year in that period that precedes the year in which the application is filed.

**Sec. 3737.02.** (A) The fire marshal may collect fees to cover the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as provided in division (B) of this section, all fees collected by the fire marshal shall be deposited to the credit of the fire marshal's fund.

(B)(1) All of the following shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury:

~~(1)~~(a) Fees collected under sections 3737.88 and 3737.881 of

the Revised Code for operation of the underground storage tank and 12570  
underground storage tank installer certification programs; 12571

~~(2)(b)~~ Moneys recovered under section 3737.89 of the Revised 12572  
Code for the state's costs of undertaking corrective or 12573  
enforcement actions under that section or section 3737.882 of the 12574  
Revised Code; 12575

~~(3)(c)~~ Fines and penalties collected under section 3737.882 12576  
of the Revised Code; 12577

~~(4)~~ Amounts repaid for underground storage tank revolving 12578  
loans under section 3737.883 and other moneys, including 12579  
corrective action enforcement case settlements or bankruptcy case 12580  
awards or settlements, received by the fire marshal under sections 12581  
3737.88 to 3737.89 of the Revised Code. 12582

~~(C)(2)~~ All interest earned on moneys credited to the 12583  
underground storage tank administration fund shall be credited to 12584  
the fund. Moneys credited to the underground storage tank 12585  
administration fund shall be used by the fire marshal for 12586  
implementation and enforcement of underground storage tank, 12587  
corrective action, and installer certification programs under 12588  
sections 3737.88 to 3737.89 of the Revised Code. ~~Only moneys~~ 12589  
~~described in divisions (B)(3) and (4) of this section may be used~~ 12590  
~~by the fire marshal to make underground storage tank revolving~~ 12591  
~~loans under section 3737.883 of the Revised Code, and no other~~ 12592  
~~moneys may be used to make those loans.~~ 12593

~~(D)(C)~~ There is hereby created in the state treasury the 12594  
underground storage tank revolving loan fund. The fund shall 12595  
consist of amounts repaid for underground storage tank revolving 12596  
loans under section 3737.883 of the Revised Code and moneys 12597  
described in division (B)(1)(c) of this section that are allocated 12598  
to the fund in accordance with division (D)(1) of this section. 12599  
Moneys in the fund shall be used by the fire marshal to make 12600

underground storage tank revolving loans under section 3737.883 of 12601  
the Revised Code. 12602

(D)(1) If the director of commerce determines that the cash 12603  
balance in the underground storage tank administration fund is in 12604  
excess of the amount needed for implementation and enforcement of 12605  
the underground storage tank, corrective action, and installer 12606  
certification programs under sections 3737.88 to 3737.89 of the 12607  
Revised Code, the director may certify the excess amount to the 12608  
director of budget and management. Upon certification, the 12609  
director of budget and management may transfer from the 12610  
underground storage tank administration fund to the underground 12611  
storage tank revolving loan fund any amount up to, but not 12612  
exceeding, the amount certified by the director of commerce, 12613  
provided the amount transferred consists only of moneys described 12614  
in division (B)(1)(c) of this section. 12615

(2) If the director of commerce determines that the cash 12616  
balance in the underground storage tank administration fund is 12617  
insufficient to implement and enforce the underground storage 12618  
tank, corrective action, and installer certification programs 12619  
under sections 3737.88 to 3737.89 of the Revised Code, the 12620  
director may certify the amount needed to the director of budget 12621  
and management. Upon certification, the director of budget and 12622  
management may transfer from the underground storage tank 12623  
revolving loan fund to the underground storage tank administration 12624  
fund any amount up to, but not exceeding, the amount certified by 12625  
the director of commerce. 12626

(E) The fire marshal shall take all actions necessary to 12627  
obtain any federal funding available to carry out the fire 12628  
marshal's responsibilities under sections 3737.88 to 3737.89 of 12629  
the Revised Code and federal laws regarding the cleaning up of 12630  
releases of petroleum, as "release" is defined in section 3737.87 12631  
of the Revised Code, including, without limitation, any federal 12632



funds that are available to reimburse the state for the costs of 12633  
undertaking corrective actions for such releases of petroleum. The 12634  
state may, when appropriate, return to the United States any 12635  
federal funds recovered under sections 3737.882 and 3737.89 of the 12636  
Revised Code. 12637

**Sec. 3745.71.** (A) Except as otherwise provided in division 12638  
(C) of this section, the owner or operator of a facility or 12639  
property who conducts an environmental audit of one or more 12640  
activities at the facility or property has a privilege with 12641  
respect to both of the following: 12642

(1) The contents of an environmental audit report that is 12643  
based on the audit; 12644

(2) The contents of communications between the owner or 12645  
operator and employees or contractors of the owner or operator, or 12646  
among employees or contractors of the owner or operator, that are 12647  
necessary to the audit and are made in good faith as part of the 12648  
audit after the employee or contractor is notified that the 12649  
communication is part of the audit. 12650

(B) Except as otherwise provided in or ordered pursuant to 12651  
this section, information that is privileged under this section is 12652  
not admissible as evidence or subject to discovery in any civil or 12653  
administrative proceeding and a person who possesses such 12654  
information as a result of conducting or participating in an 12655  
environmental audit shall not be compelled to testify in any civil 12656  
or administrative proceeding concerning the privileged portions of 12657  
the environmental audit. 12658

(C) The privilege provided in this section does not apply to 12659  
criminal investigations or proceedings. Where an audit report is 12660  
obtained, reviewed, or used in a criminal proceeding, the 12661  
privilege provided in this section applicable to civil or 12662  
administrative proceedings is not waived or eliminated. 12663

Furthermore, the privilege provided in this section does not apply 12664  
to particular information under any of the following 12665  
circumstances: 12666

(1) The privilege is not asserted with respect to that 12667  
information by the owner or operator to whom the privilege 12668  
belongs. 12669

(2) The owner or operator to whom the privilege belongs 12670  
voluntarily testifies, or has provided written authorization to an 12671  
employee, contractor, or agent to testify on behalf of the owner 12672  
or operator, as to that information. 12673

(3) A court of record in a civil proceeding or the tribunal 12674  
or presiding officer in an administrative proceeding finds, 12675  
pursuant to this section, that the privilege does not apply to 12676  
that information. 12677

(4) The information is required by law to be collected, 12678  
developed, maintained, reported, disclosed publicly, or otherwise 12679  
made available to a government agency. 12680

(5) The information is obtained from a source other than an 12681  
environmental audit report, including, without limitation, 12682  
observation, sampling, monitoring, a communication, a record, or a 12683  
report that is not part of the audit on which the audit report is 12684  
based. 12685

(6) The information is collected, developed, made, or 12686  
maintained in bad faith or for a fraudulent purpose. 12687

(7) The owner or operator to whom the privilege belongs 12688  
waives the privilege, in whole or in part, explicitly or by 12689  
engaging in conduct that manifests a clear intent that the 12690  
information not be privileged. If an owner or operator introduces 12691  
part of an environmental audit report into evidence in a civil or 12692  
administrative proceeding to prove that the owner or operator did 12693  
not violate, or is no longer violating, any environmental laws, 12694

the privilege provided by this section is waived with respect to 12695  
all information in the audit report that is relevant to that 12696  
issue. 12697

(8)(a) The information shows evidence of noncompliance with 12698  
environmental laws and the owner or operator fails to do any of 12699  
the following: 12700

(i) Promptly initiate reasonable efforts to achieve 12701  
compliance upon discovery of the noncompliance through an 12702  
environmental audit; 12703

(ii) Pursue compliance with reasonable diligence; 12704

(iii) Achieve compliance within a reasonable time. 12705

(b) "Reasonable diligence" includes, without limitation, 12706  
compliance with section 3745.72 of the Revised Code. 12707

(9) The information contains evidence that a government 12708  
agency federally authorized, approved, or delegated to enforce 12709  
environmental laws has reasonable cause to believe is necessary to 12710  
prevent imminent and substantial endangerment or harm to human 12711  
health or the environment. 12712

(10) Any circumstance in which both of the following apply: 12713

(a) The information contains evidence regarding an alleged 12714  
violation of environmental laws and a government agency charged 12715  
with enforcing any of those laws has a substantial need for the 12716  
information to protect public health or safety or to prevent 12717  
substantial harm to property or the environment. 12718

(b) The government agency is unable to obtain the substantial 12719  
equivalent of the information by other means without unreasonable 12720  
delay or expense. 12721

(11) The information consists of personal knowledge of an 12722  
individual who did not obtain that information as part of an 12723  
environmental audit. 12724

(12) The information is not clearly identified as part of an environmental audit report. For purposes of this section, clear identification of information as part of an environmental audit report includes, without limitation, either of the following:

(a) The information is contained in a document and the front cover, the first page, or a comparable part of the document is prominently labeled with "environmental audit report: privileged information" or substantially comparable language.

(b) The information is contained in an electronic record and the record is programmed to display or print prominently "environmental audit report: privileged information" or substantially comparable language before the privileged information is displayed or printed.

(13) The information existed prior to the initiation of the environmental audit under division (A) of section 3745.70 of the Revised Code.

(D) If the privilege provided in this section belongs to an owner or operator who is not an individual, the privilege may be asserted or waived, in whole or in part, on behalf of the owner or operator only by an officer, manager, partner, or other comparable person who has a fiduciary relationship with the owner or operator and is authorized generally to act on behalf of the owner or operator or is a person who is authorized specifically to assert or waive the privilege.

(E) A person asserting the privilege provided in this section has the burden of proving the applicability of the privilege by a preponderance of the evidence. If a person seeking disclosure of information with respect to which a privilege is asserted under this section shows evidence of noncompliance with environmental laws pursuant to division (C)(8) of this section, the person asserting the privilege also has the burden of proving by a

preponderance of the evidence that reasonable efforts to achieve 12756  
compliance with those laws were initiated promptly and that 12757  
compliance was pursued with reasonable diligence and achieved 12758  
within a reasonable time. 12759

(F) When determining whether the privilege provided by this 12760  
section applies to particular information, a court of record that 12761  
is not acting pursuant to division (G) of this section, or the 12762  
tribunal or presiding officer in an administrative proceeding, 12763  
shall conduct an in camera review of the information in a manner 12764  
consistent with applicable rules of procedure. 12765

(G)(1) The prosecuting attorney of a county or the attorney 12766  
general, having probable cause to believe, based on information 12767  
obtained from a source other than an environmental audit report, 12768  
that a violation has been committed under environmental laws for 12769  
which a civil or administrative action may be initiated, may 12770  
obtain information with respect to which a privilege is asserted 12771  
under this section pursuant to a search warrant, subpoena, or 12772  
discovery under the Rules of Civil Procedure. The prosecuting 12773  
attorney or the attorney general immediately shall place the 12774  
information under seal and shall not review or disclose its 12775  
contents. 12776

(2) Not later than sixty days after receiving an 12777  
environmental audit report under division (G)(1) of this section, 12778  
the prosecuting attorney or the attorney general may file with the 12779  
court of common pleas of a county in which there is proper venue 12780  
to bring a civil or administrative action pertaining to the 12781  
alleged violation a petition requesting an in camera hearing to 12782  
determine if the information described in division (G)(1) of this 12783  
section is subject to disclosure under this section. Failure to 12784  
file such a petition shall cause the information to be released to 12785  
the owner or operator to whom it belongs. 12786

(3) Upon the filing of a petition under division (G)(2) of 12787

this section, the court shall issue an order scheduling an in camera hearing, not later than forty-five days after the filing of the petition, to determine if any or all of the information described in division (G)(1) of this section is subject to disclosure under this section. The order shall allow the prosecuting attorney or the attorney general to remove the seal from the report in order to review it and shall place appropriate limitations on distribution and review of the report to protect against unnecessary disclosure.

(4) The prosecuting attorney or the attorney general may consult with government agencies regarding the contents of the report to prepare for the in camera hearing. Information described in division (G)(1) of this section that is used by the prosecuting attorney or the attorney general to prepare for the in camera hearing shall not be used by the prosecuting attorney, the attorney general, an employee or agent of either of them, or an agency described in division (G)(4) of this section in any investigation or proceeding against the respondent, and otherwise shall be kept confidential, unless the information is subject to disclosure under this section.

(5) The parties may stipulate that information contained in an environmental audit report is or is not subject to disclosure under this section.

(6) If the court determines that information described in division (G)(1) of this section is subject to disclosure under this section, the court shall compel disclosure under this section of only the information that is relevant to the proceeding described in division (G)(1) of this section.

(H) Nothing in this section affects the nature, scope, or application of any privilege of confidentiality or nondisclosure recognized under another section of the Revised Code or the common law of this state, including, without limitation, the work product

doctrine and attorney-client privilege. 12820

(I) The privilege provided by this section applies only to 12821  
information and communications that are part of environmental 12822  
audits initiated after March 13, 1997, ~~and completed before~~ 12823  
~~January 1, 2014,~~ in accordance with the time frames specified in 12824  
division (A) of section 3745.70 of the Revised Code. 12825

**Sec. 3772.02.** (A) There is hereby created the Ohio casino 12826  
control commission described in Section 6(C)(1) of Article XV, 12827  
Ohio Constitution. 12828

(B) The commission shall consist of seven members appointed 12829  
within one month of ~~the effective date of this section~~ September 12830  
10, 2010, by the governor with the advice and consent of the 12831  
senate. The governor shall forward all appointments to the senate 12832  
within twenty-four hours. 12833

(1) Each commission member is eligible for reappointment at 12834  
the discretion of the governor. No commission member shall be 12835  
appointed for more than three terms in total. 12836

(2) Each commission member shall be a resident of Ohio. 12837

(3) At least one commission member shall be experienced in 12838  
law enforcement and criminal investigation. 12839

(4) At least one commission member shall be a certified 12840  
public accountant experienced in accounting and auditing. 12841

(5) At least one commission member shall be an attorney 12842  
admitted to the practice of law in Ohio. 12843

(6) At least one commission member shall be a resident of a 12844  
county where one of the casino facilities is located. 12845

(7) Not more than four commission members shall be of the 12846  
same political party. 12847

(8) No commission member shall have any affiliation with an 12848

Ohio casino operator or facility. 12849

(C) Commission members shall serve four-year terms, except 12850  
that when the governor makes initial appointments to the 12851  
commission under this chapter, the governor shall appoint three 12852  
members to serve four-year terms with not more than two such 12853  
members from the same political party, two members to serve 12854  
three-year terms with such members not being from the same 12855  
political party, and two members to serve two-year terms with such 12856  
members not being from the same political party. 12857

(D) Each commission member shall hold office from the date of 12858  
appointment until the end of the term for which the member was 12859  
appointed. Any member appointed to fill a vacancy occurring before 12860  
the expiration of the term for which the member's predecessor was 12861  
appointed shall hold office for the remainder of the unexpired 12862  
term. Any member shall continue in office after the expiration 12863  
date of the member's term until the member's successor takes 12864  
office, or until a period of sixty days has elapsed, whichever 12865  
occurs first. A vacancy in the commission membership shall be 12866  
filled in the same manner as the original appointment. 12867

(E) The governor shall select one member to serve as 12868  
chairperson and the commission members shall select one member 12869  
from a different party than the chairperson to serve as 12870  
vice-chairperson. The governor may remove and replace the 12871  
chairperson at any time. No such member shall serve as chairperson 12872  
for more than six successive years. The vice-chairperson shall 12873  
assume the duties of the chairperson in the absence of the 12874  
chairperson. The chairperson and vice-chairperson shall perform 12875  
but shall not be limited to additional duties as are prescribed by 12876  
commission rule. 12877

(F) A commission member is not required to devote the 12878  
member's full time to membership on the commission. Each member of 12879  
the commission shall receive compensation of ~~sixty~~ thirty thousand 12880



dollars per year, payable in monthly installments ~~for the first~~ 12881  
~~four years of the commission's existence.~~ Each member shall 12882  
receive the member's actual and necessary expenses incurred in the 12883  
discharge of the member's official duties. 12884

(G) The governor shall not appoint an individual to the 12885  
commission, and an individual shall not serve on the commission, 12886  
if the individual has been convicted of or pleaded guilty or no 12887  
contest to a disqualifying offense as defined in section 3772.07 12888  
of the Revised Code. Members coming under indictment or bill of 12889  
information of a disqualifying offense shall resign from the 12890  
commission immediately upon indictment. 12891

(H) At least five commission members shall be present for the 12892  
commission to meet. The concurrence of four members is necessary 12893  
for the commission to take any action. All members shall vote on 12894  
the adoption of rules, and the approval of, and the suspension or 12895  
revocation of, the licenses of casino operators or management 12896  
companies, unless a member has a written leave of absence filed 12897  
with and approved by the chairperson. 12898

(I) A commission member may be removed or suspended from 12899  
office in accordance with section 3.04 of the Revised Code. 12900

(J) Each commission member, before entering upon the 12901  
discharge of the member's official duties, shall make an oath to 12902  
uphold the Ohio Constitution and laws of the state of Ohio and 12903  
shall give a bond, payable by the commission, to the treasurer of 12904  
state, in the sum of ten thousand dollars with sufficient sureties 12905  
to be approved by the treasurer of state, which bond shall be 12906  
filed with the secretary of state. 12907

(K) The commission shall hold one regular meeting each month 12908  
and shall convene other meetings at the request of the chairperson 12909  
or a majority of the members. A member who fails to attend at 12910  
least three-fifths of the regular and special meetings of the 12911

commission during any two-year period forfeits membership on the 12912  
commission. All meetings of the commission shall be open meetings 12913  
under section 121.22 of the Revised Code except as otherwise 12914  
allowed by law. 12915

Sec. 4121.443. Each contract the administrator of workers' 12916  
compensation enters into with a managed care organization under 12917  
division (B)(4) of section 4121.44 of the Revised Code shall 12918  
require the managed care organization to enter into a data 12919  
security agreement with the state board of pharmacy governing the 12920  
managed care organization's use of the board's drug database 12921  
established and maintained under section 4729.75 of the Revised 12922  
Code. 12923

This section does not apply if the board no longer maintains 12924  
the drug database. 12925

**Sec. 4141.01.** As used in this chapter, unless the context 12926  
otherwise requires: 12927

(A)(1) "Employer" means the state, its instrumentalities, its 12928  
political subdivisions and their instrumentalities, Indian tribes, 12929  
and any individual or type of organization including any 12930  
partnership, limited liability company, association, trust, 12931  
estate, joint-stock company, insurance company, or corporation, 12932  
whether domestic or foreign, or the receiver, trustee in 12933  
bankruptcy, trustee, or the successor thereof, or the legal 12934  
representative of a deceased person who subsequent to December 31, 12935  
1971, or in the case of political subdivisions or their 12936  
instrumentalities, subsequent to December 31, 1973: 12937

(a) Had in employment at least one individual, or in the case 12938  
of a nonprofit organization, subsequent to December 31, 1973, had 12939  
not less than four individuals in employment for some portion of a 12940  
day in each of twenty different calendar weeks, in either the 12941

current or the preceding calendar year whether or not the same 12942  
individual was in employment in each such day; or 12943

(b) Except for a nonprofit organization, had paid for service 12944  
in employment wages of fifteen hundred dollars or more in any 12945  
calendar quarter in either the current or preceding calendar year; 12946  
or 12947

(c) Had paid, subsequent to December 31, 1977, for employment 12948  
in domestic service in a local college club, or local chapter of a 12949  
college fraternity or sorority, cash remuneration of one thousand 12950  
dollars or more in any calendar quarter in the current calendar 12951  
year or the preceding calendar year, or had paid subsequent to 12952  
December 31, 1977, for employment in domestic service in a private 12953  
home cash remuneration of one thousand dollars in any calendar 12954  
quarter in the current calendar year or the preceding calendar 12955  
year: 12956

(i) For the purposes of divisions (A)(1)(a) and (b) of this 12957  
section, there shall not be taken into account any wages paid to, 12958  
or employment of, an individual performing domestic service as 12959  
described in this division. 12960

(ii) An employer under this division shall not be an employer 12961  
with respect to wages paid for any services other than domestic 12962  
service unless the employer is also found to be an employer under 12963  
division (A)(1)(a), (b), or (d) of this section. 12964

(d) As a farm operator or a crew leader subsequent to 12965  
December 31, 1977, had in employment individuals in agricultural 12966  
labor; and 12967

(i) During any calendar quarter in the current calendar year 12968  
or the preceding calendar year, paid cash remuneration of twenty 12969  
thousand dollars or more for the agricultural labor; or 12970

(ii) Had at least ten individuals in employment in 12971  
agricultural labor, not including agricultural workers who are 12972

aliens admitted to the United States to perform agricultural labor 12973  
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 12974  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 12975  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 12976  
of the twenty different calendar weeks, in either the current or 12977  
preceding calendar year whether or not the same individual was in 12978  
employment in each day; or 12979

(e) Is not otherwise an employer as defined under division 12980  
(A)(1)(a) or (b) of this section; and 12981

(i) For which, within either the current or preceding 12982  
calendar year, service, except for domestic service in a private 12983  
home not covered under division (A)(1)(c) of this section, is or 12984  
was performed with respect to which such employer is liable for 12985  
any federal tax against which credit may be taken for 12986  
contributions required to be paid into a state unemployment fund; 12987

(ii) Which, as a condition for approval of this chapter for 12988  
full tax credit against the tax imposed by the "Federal 12989  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 12990  
required, pursuant to such act to be an employer under this 12991  
chapter; or 12992

(iii) Who became an employer by election under division 12993  
(A)(4) or (5) of this section and for the duration of such 12994  
election; or 12995

(f) In the case of the state, its instrumentalities, its 12996  
political subdivisions, and their instrumentalities, and Indian 12997  
tribes, had in employment, as defined in divisions (B)(2)(a) and 12998  
(B)(2)(1) of this section, at least one individual; 12999

(g) For the purposes of division (A)(1)(a) of this section, 13000  
if any week includes both the thirty-first day of December and the 13001  
first day of January, the days of that week before the first day 13002  
of January shall be considered one calendar week and the days 13003

beginning the first day of January another week. 13004

(2) Each individual employed to perform or to assist in 13005  
performing the work of any agent or employee of an employer is 13006  
employed by such employer for all the purposes of this chapter, 13007  
whether such individual was hired or paid directly by such 13008  
employer or by such agent or employee, provided the employer had 13009  
actual or constructive knowledge of the work. All individuals 13010  
performing services for an employer of any person in this state 13011  
who maintains two or more establishments within this state are 13012  
employed by a single employer for the purposes of this chapter. 13013

(3) An employer subject to this chapter within any calendar 13014  
year is subject to this chapter during the whole of such year and 13015  
during the next succeeding calendar year. 13016

(4) An employer not otherwise subject to this chapter who 13017  
files with the director of job and family services a written 13018  
election to become an employer subject to this chapter for not 13019  
less than two calendar years shall, with the written approval of 13020  
such election by the director, become an employer subject to this 13021  
chapter to the same extent as all other employers as of the date 13022  
stated in such approval, and shall cease to be subject to this 13023  
chapter as of the first day of January of any calendar year 13024  
subsequent to such two calendar years only if at least thirty days 13025  
prior to such first day of January the employer has filed with the 13026  
director a written notice to that effect. 13027

(5) Any employer for whom services that do not constitute 13028  
employment are performed may file with the director a written 13029  
election that all such services performed by individuals in the 13030  
employer's employ in one or more distinct establishments or places 13031  
of business shall be deemed to constitute employment for all the 13032  
purposes of this chapter, for not less than two calendar years. 13033  
Upon written approval of the election by the director, such 13034  
services shall be deemed to constitute employment subject to this 13035

chapter from and after the date stated in such approval. Such 13036  
services shall cease to be employment subject to this chapter as 13037  
of the first day of January of any calendar year subsequent to 13038  
such two calendar years only if at least thirty days prior to such 13039  
first day of January such employer has filed with the director a 13040  
written notice to that effect. 13041

(B)(1) "Employment" means service performed by an individual 13042  
for remuneration under any contract of hire, written or oral, 13043  
express or implied, including service performed in interstate 13044  
commerce and service performed by an officer of a corporation, 13045  
without regard to whether such service is executive, managerial, 13046  
or manual in nature, and without regard to whether such officer is 13047  
a stockholder or a member of the board of directors of the 13048  
corporation, unless it is shown to the satisfaction of the 13049  
director that such individual has been and will continue to be 13050  
free from direction or control over the performance of such 13051  
service, both under a contract of service and in fact. The 13052  
director shall adopt rules to define "direction or control." 13053

(2) "Employment" includes: 13054

(a) Service performed after December 31, 1977, by an 13055  
individual in the employ of the state or any of its 13056  
instrumentalities, or any political subdivision thereof or any of 13057  
its instrumentalities or any instrumentality of more than one of 13058  
the foregoing or any instrumentality of any of the foregoing and 13059  
one or more other states or political subdivisions and without 13060  
regard to divisions (A)(1)(a) and (b) of this section, provided 13061  
that such service is excluded from employment as defined in the 13062  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 13063  
3306(c)(7) and is not excluded under division (B)(3) of this 13064  
section; or the services of employees covered by voluntary 13065  
election, as provided under divisions (A)(4) and (5) of this 13066  
section; 13067

(b) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization which is excluded from the term "employment" as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3306(c)(8) of that act and is not excluded under division (B)(3) of this section;

(c) Domestic service performed after December 31, 1977, for an employer, as provided in division (A)(1)(c) of this section;

(d) Agricultural labor performed after December 31, 1977, for a farm operator or a crew leader, as provided in division (A)(1)(d) of this section;

(e) Service not covered under division (B)(1) of this section which is performed after December 31, 1971:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, laundry, or dry-cleaning services, for the individual's employer or principal;

(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B)(2)(e)(ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in

connection with the performance of the services other than in 13099  
facilities for transportation, and the services are not in the 13100  
nature of a single transaction that is not a part of a continuing 13101  
relationship with the person for whom the services are performed. 13102

(f) An individual's entire service performed within or both 13103  
within and without the state if: 13104

(i) The service is localized in this state. 13105

(ii) The service is not localized in any state, but some of 13106  
the service is performed in this state and either the base of 13107  
operations, or if there is no base of operations then the place 13108  
from which such service is directed or controlled, is in this 13109  
state or the base of operations or place from which such service 13110  
is directed or controlled is not in any state in which some part 13111  
of the service is performed but the individual's residence is in 13112  
this state. 13113

(g) Service not covered under division (B)(2)(f)(ii) of this 13114  
section and performed entirely without this state, with respect to 13115  
no part of which contributions are required and paid under an 13116  
unemployment compensation law of any other state, the Virgin 13117  
Islands, Canada, or of the United States, if the individual 13118  
performing such service is a resident of this state and the 13119  
director approves the election of the employer for whom such 13120  
services are performed; or, if the individual is not a resident of 13121  
this state but the place from which the service is directed or 13122  
controlled is in this state, the entire services of such 13123  
individual shall be deemed to be employment subject to this 13124  
chapter, provided service is deemed to be localized within this 13125  
state if the service is performed entirely within this state or if 13126  
the service is performed both within and without this state but 13127  
the service performed without this state is incidental to the 13128  
individual's service within the state, for example, is temporary 13129  
or transitory in nature or consists of isolated transactions; 13130



(h) Service of an individual who is a citizen of the United States, performed outside the United States except in Canada after December 31, 1971, or the Virgin Islands, after December 31, 1971, and before the first day of January of the year following that in which the United States secretary of labor approves the Virgin Islands law for the first time, in the employ of an American employer, other than service which is "employment" under divisions (B)(2)(f) and (g) of this section or similar provisions of another state's law, if:

(i) The employer's principal place of business in the United States is located in this state;

(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter.

(i) For the purposes of division (B)(2)(h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "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) 13163  
and (2) of this section, service, except for domestic service in a 13164  
private home not covered under division (A)(1)(c) of this section, 13165  
with respect to which a tax is required to be paid under any 13166  
federal law imposing a tax against which credit may be taken for 13167  
contributions required to be paid into a state unemployment fund, 13168  
or service, except for domestic service in a private home not 13169  
covered under division (A)(1)(c) of this section, which, as a 13170  
condition for full tax credit against the tax imposed by the 13171  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 13172  
3311, is required to be covered under this chapter. 13173

(k) Construction services performed by any individual under a 13174  
construction contract, as defined in section 4141.39 of the 13175  
Revised Code, if the director determines that the employer for 13176  
whom services are performed has the right to direct or control the 13177  
performance of the services and that the individuals who perform 13178  
the services receive remuneration for the services performed. The 13179  
director shall presume that the employer for whom services are 13180  
performed has the right to direct or control the performance of 13181  
the services if ten or more of the following criteria apply: 13182

(i) The employer directs or controls the manner or method by 13183  
which instructions are given to the individual performing 13184  
services; 13185

(ii) The employer requires particular training for the 13186  
individual performing services; 13187

(iii) Services performed by the individual are integrated 13188  
into the regular functioning of the employer; 13189

(iv) The employer requires that services be provided by a 13190  
particular individual; 13191

(v) The employer hires, supervises, or pays the wages of the 13192  
individual performing services; 13193

(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;	13194 13195 13196
(vii) The employer requires the individual to perform services during established hours;	13197 13198
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	13199 13200 13201
(ix) The employer requires the individual to perform services on the employer's premises;	13202 13203
(x) The employer requires the individual performing services to follow the order of work established by the employer;	13204 13205
(xi) The employer requires the individual performing services to make oral or written reports of progress;	13206 13207
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	13208 13209
(xiii) The employer pays expenses for the individual performing services;	13210 13211
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	13212 13213
(xv) The individual performing services has not invested in the facilities used to perform services;	13214 13215
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	13216 13217 13218
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	13219 13220
(xviii) The individual performing services does not make the services available to the general public;	13221 13222

(xix) The employer has a right to discharge the individual performing services;	13223 13224
(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.	13225 13226 13227
(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.	13228 13229 13230 13231 13232 13233 13234 13235 13236
(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:	13237 13238 13239 13240 13241
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	13242 13243 13244
(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;	13245 13246 13247 13248
(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:	13249 13250 13251
(i) As a publicly elected official;	13252

(ii) As a member of a legislative body, or a member of the judiciary;	13253 13254
(iii) As a military member of the Ohio national guard;	13255
(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;	13256 13257 13258 13259
(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.	13260 13261 13262 13263 13264
(d) In the employ of any governmental unit or instrumentality of the United States;	13265 13266
(e) Service performed after December 31, 1971:	13267
(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	13268 13269 13270 13271 13272
(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 service performed in a program established for or on behalf of an employer or group of employers.	13273 13274 13275 13276 13277 13278 13279 13280 13281 13282 13283

(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;	13284 13285 13286 13287
(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:	13288 13289 13290 13291 13292 13293 13294 13295
(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;	13296 13297 13298
(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.	13299 13300 13301 13302 13303
(h) Service performed after December 31, 1971:	13304
(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;	13305 13306 13307 13308 13309
(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or	13310 13311 13312 13313
(iii) In a facility conducted for the purpose of carrying out	13314

a program of rehabilitation for individuals whose earning capacity 13315  
is impaired by age or physical or mental deficiency or injury, or 13316  
providing remunerative work for individuals who because of their 13317  
impaired physical or mental capacity cannot be readily absorbed in 13318  
the competitive labor market, by an individual receiving such 13319  
rehabilitation or remunerative work. 13320

(i) Service performed after June 30, 1939, with respect to 13321  
which unemployment compensation is payable under the "Railroad 13322  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 13323

(j) Service performed by an individual in the employ of any 13324  
organization exempt from income tax under section 501 of the 13325  
"Internal Revenue Code of 1954," if the remuneration for such 13326  
service does not exceed fifty dollars in any calendar quarter, or 13327  
if such service is in connection with the collection of dues or 13328  
premiums for a fraternal beneficial society, order, or association 13329  
and is performed away from the home office or is ritualistic 13330  
service in connection with any such society, order, or 13331  
association; 13332

(k) Casual labor not in the course of an employer's trade or 13333  
business; incidental service performed by an officer, appraiser, 13334  
or member of a finance committee of a bank, building and loan 13335  
association, savings and loan association, or savings association 13336  
when the remuneration for such incidental service exclusive of the 13337  
amount paid or allotted for directors' fees does not exceed sixty 13338  
dollars per calendar quarter is casual labor; 13339

(l) Service performed in the employ of a voluntary employees' 13340  
beneficial association providing for the payment of life, 13341  
sickness, accident, or other benefits to the members of such 13342  
association or their dependents or their designated beneficiaries, 13343  
if admission to a membership in such association is limited to 13344  
individuals who are officers or employees of a municipal or public 13345  
corporation, of a political subdivision of the state, or of the 13346

United States and no part of the net earnings of such association 13347  
inures, other than through such payments, to the benefit of any 13348  
private shareholder or individual; 13349

(m) Service performed by an individual in the employ of a 13350  
foreign government, including service as a consular or other 13351  
officer or employee or of a nondiplomatic representative; 13352

(n) Service performed in the employ of an instrumentality 13353  
wholly owned by a foreign government if the service is of a 13354  
character similar to that performed in foreign countries by 13355  
employees of the United States or of an instrumentality thereof 13356  
and if the director finds that the secretary of state of the 13357  
United States has certified to the secretary of the treasury of 13358  
the United States that the foreign government, with respect to 13359  
whose instrumentality exemption is claimed, grants an equivalent 13360  
exemption with respect to similar service performed in the foreign 13361  
country by employees of the United States and of instrumentalities 13362  
thereof; 13363

(o) Service with respect to which unemployment compensation 13364  
is payable under an unemployment compensation system established 13365  
by an act of congress; 13366

(p) Service performed as a student nurse in the employ of a 13367  
hospital or a nurses' training school by an individual who is 13368  
enrolled and is regularly attending classes in a nurses' training 13369  
school chartered or approved pursuant to state law, and service 13370  
performed as an intern in the employ of a hospital by an 13371  
individual who has completed a four years' course in a medical 13372  
school chartered or approved pursuant to state law; 13373

(q) Service performed by an individual under the age of 13374  
eighteen in the delivery or distribution of newspapers or shopping 13375  
news, not including delivery or distribution to any point for 13376  
subsequent delivery or distribution; 13377



(r) Service performed in the employ of the United States or 13378  
an instrumentality of the United States immune under the 13379  
Constitution of the United States from the contributions imposed 13380  
by this chapter, except that to the extent that congress permits 13381  
states to require any instrumentalities of the United States to 13382  
make payments into an unemployment fund under a state unemployment 13383  
compensation act, this chapter shall be applicable to such 13384  
instrumentalities and to services performed for such 13385  
instrumentalities in the same manner, to the same extent, and on 13386  
the same terms as to all other employers, individuals, and 13387  
services, provided that if this state is not certified for any 13388  
year by the proper agency of the United States under section 3304 13389  
of the "Internal Revenue Code of 1954," the payments required of 13390  
such instrumentalities with respect to such year shall be refunded 13391  
by the director from the fund in the same manner and within the 13392  
same period as is provided in division (E) of section 4141.09 of 13393  
the Revised Code with respect to contributions erroneously 13394  
collected; 13395

(s) Service performed by an individual as a member of a band 13396  
or orchestra, provided such service does not represent the 13397  
principal occupation of such individual, and which service is not 13398  
subject to or required to be covered for full tax credit against 13399  
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 13400  
183 (1939), 26 U.S.C.A. 3301 to 3311. 13401

(t) Service performed in the employ of a day camp whose 13402  
camping season does not exceed twelve weeks in any calendar year, 13403  
and which service is not subject to the "Federal Unemployment Tax 13404  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 13405  
performed after December 31, 1971: 13406

(i) In the employ of a hospital, if the service is performed 13407  
by a patient of the hospital, as defined in division (W) of this 13408  
section; 13409

(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;	13410 13411
(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.	13412 13413 13414
(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	13415 13416 13417 13418 13419 13420 13421
(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;	13422 13423 13424 13425 13426 13427 13428
(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;	13429 13430 13431 13432 13433
(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;	13434 13435 13436 13437 13438
(y) Service performed by a person committed to a penal institution.	13439 13440

(z) Service performed for an Indian tribe as described in	13441
division (B)(2)(1) of this section when performed in any of the	13442
following manners:	13443
(i) As a publicly elected official;	13444
(ii) As a member of an Indian tribal council;	13445
(iii) As a member of a legislative or judiciary body;	13446
(iv) In a position which, pursuant to Indian tribal law, is	13447
designated as a major nontenured policymaking or advisory	13448
position, or a policymaking or advisory position where the	13449
performance of the duties ordinarily does not require more than	13450
eight hours of time per week;	13451
(v) As an employee serving on a temporary basis in the case	13452
of a fire, storm, snow, earthquake, flood, or similar emergency.	13453
(aa) Service performed after December 31, 1971, for a	13454
nonprofit organization, this state or its instrumentalities, a	13455
political subdivision or its instrumentalities, or an Indian tribe	13456
as part of an unemployment work-relief or work-training program	13457
assisted or financed in whole or in part by any federal agency or	13458
an agency of a state or political subdivision, thereof, by an	13459
individual receiving the work-relief or work-training.	13460
(bb) Participation in a learn to earn program as defined in	13461
section 4141.293 of the Revised Code.	13462
(4) If the services performed during one half or more of any	13463
pay period by an employee for the person employing that employee	13464
constitute employment, all the services of such employee for such	13465
period shall be deemed to be employment; but if the services	13466
performed during more than one half of any such pay period by an	13467
employee for the person employing that employee do not constitute	13468
employment, then none of the services of such employee for such	13469
period shall be deemed to be employment. As used in division	13470

(B)(4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B)(4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B)(3)(o) of this section.

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director.

(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week.

(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim" means any claim other than the first claim for benefits and other than an additional claim.

(G)(1) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of eight thousand two hundred fifty dollars on and after January 1, 1992; eight thousand five hundred dollars on and after January 1, 1993; eight thousand seven hundred fifty dollars on and after January 1, 1994; and nine thousand dollars on and after January 1, 1995. Remuneration in excess of such amounts shall be deemed wages

subject to contribution to the same extent that such remuneration 13502  
is defined as wages under the "Federal Unemployment Tax Act," 84 13503  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 13504  
remuneration paid an employee by an employer with respect to 13505  
employment in another state, upon which contributions were 13506  
required and paid by such employer under the unemployment 13507  
compensation act of such other state, shall be included as a part 13508  
of remuneration in computing the amount specified in this 13509  
division. 13510

(2) Notwithstanding division (G)(1) of this section, if, as 13511  
of the computation date for any calendar year, the director 13512  
determines that the level of the unemployment compensation fund is 13513  
sixty per cent or more below the minimum safe level as defined in 13514  
section 4141.25 of the Revised Code, then, effective the first day 13515  
of January of the following calendar year, wages subject to this 13516  
chapter shall not include that part of remuneration paid during 13517  
any calendar year to an individual by an employer or such 13518  
employer's predecessor in interest in the same business or 13519  
enterprise which is in excess of nine thousand dollars. The 13520  
increase in the dollar amount of wages subject to this chapter 13521  
under this division shall remain in effect from the date of the 13522  
director's determination pursuant to division (G)(2) of this 13523  
section and thereafter notwithstanding the fact that the level in 13524  
the fund may subsequently become less than sixty per cent below 13525  
the minimum safe level. 13526

(H)(1) "Remuneration" means all compensation for personal 13527  
services, including commissions and bonuses and the cash value of 13528  
all compensation in any medium other than cash, except that in the 13529  
case of agricultural or domestic service, "remuneration" includes 13530  
only cash remuneration. Gratuities customarily received by an 13531  
individual in the course of the individual's employment from 13532  
persons other than the individual's employer and which are 13533

accounted for by such individual to the individual's employer are 13534  
taxable wages. 13535

The reasonable cash value of compensation paid in any medium 13536  
other than cash shall be estimated and determined in accordance 13537  
with rules prescribed by the director, provided that 13538  
"remuneration" does not include: 13539

(a) Payments as provided in divisions (b)(2) to (b)~~(16)~~(20) 13540  
of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 13541  
713, 26 U.S.C.A. 3301 to 3311, as amended; 13542

(b) The payment by an employer, without deduction from the 13543  
remuneration of the individual in the employer's employ, of the 13544  
tax imposed upon an individual in the employer's employ under 13545  
section 3101 of the "Internal Revenue Code of 1954," with respect 13546  
to services performed after October 1, 1941. 13547

(2) "Cash remuneration" means all remuneration paid in cash, 13548  
including commissions and bonuses, but not including the cash 13549  
value of all compensation in any medium other than cash. 13550

(I) "Interested party" means the director and any party to 13551  
whom notice of a determination of an application for benefit 13552  
rights or a claim for benefits is required to be given under 13553  
section 4141.28 of the Revised Code. 13554

(J) "Annual payroll" means the total amount of wages subject 13555  
to contributions during a twelve-month period ending with the last 13556  
day of the second calendar quarter of any calendar year. 13557

(K) "Average annual payroll" means the average of the last 13558  
three annual payrolls of an employer, provided that if, as of any 13559  
computation date, the employer has had less than three annual 13560  
payrolls in such three-year period, such average shall be based on 13561  
the annual payrolls which the employer has had as of such date. 13562

(L)(1) "Contributions" means the money payments to the state 13563

unemployment compensation fund required of employers by section 13564  
4141.25 of the Revised Code and of the state and any of its 13565  
political subdivisions electing to pay contributions under section 13566  
4141.242 of the Revised Code. Employers paying contributions shall 13567  
be described as "contributory employers." 13568

(2) "Payments in lieu of contributions" means the money 13569  
payments to the state unemployment compensation fund required of 13570  
reimbursing employers under sections 4141.241 and 4141.242 of the 13571  
Revised Code. 13572

(M) An individual is "totally unemployed" in any week during 13573  
which the individual performs no services and with respect to such 13574  
week no remuneration is payable to the individual. 13575

(N) An individual is "partially unemployed" in any week if, 13576  
due to involuntary loss of work, the total remuneration payable to 13577  
the individual for such week is less than the individual's weekly 13578  
benefit amount. 13579

(O) "Week" means the calendar week ending at midnight 13580  
Saturday unless an equivalent week of seven consecutive calendar 13581  
days is prescribed by the director. 13582

(1) "Qualifying week" means any calendar week in an 13583  
individual's base period with respect to which the individual 13584  
earns or is paid remuneration in employment subject to this 13585  
chapter. A calendar week with respect to which an individual earns 13586  
remuneration but for which payment was not made within the base 13587  
period, when necessary to qualify for benefit rights, may be 13588  
considered to be a qualifying week. The number of qualifying weeks 13589  
which may be established in a calendar quarter shall not exceed 13590  
the number of calendar weeks in the quarter. 13591

(2) "Average weekly wage" means the amount obtained by 13592  
dividing an individual's total remuneration for all qualifying 13593  
weeks during the base period by the number of such qualifying 13594

weeks, provided that if the computation results in an amount that 13595  
is not a multiple of one dollar, such amount shall be rounded to 13596  
the next lower multiple of one dollar. 13597

(P) "Weekly benefit amount" means the amount of benefits an 13598  
individual would be entitled to receive for one week of total 13599  
unemployment. 13600

(Q)(1) "Base period" means the first four of the last five 13601  
completed calendar quarters immediately preceding the first day of 13602  
an individual's benefit year, except as provided in division 13603  
(Q)(2) of this section. 13604

(2) If an individual does not have sufficient qualifying 13605  
weeks and wages in the base period to qualify for benefit rights, 13606  
the individual's base period shall be the four most recently 13607  
completed calendar quarters preceding the first day of the 13608  
individual's benefit year. Such base period shall be known as the 13609  
"alternate base period." If information as to weeks and wages for 13610  
the most recent quarter of the alternate base period is not 13611  
available to the director from the regular quarterly reports of 13612  
wage information, which are systematically accessible, the 13613  
director may, consistent with the provisions of section 4141.28 of 13614  
the Revised Code, base the determination of eligibility for 13615  
benefits on the affidavit of the claimant with respect to weeks 13616  
and wages for that calendar quarter. The claimant shall furnish 13617  
payroll documentation, where available, in support of the 13618  
affidavit. The determination based upon the alternate base period 13619  
as it relates to the claimant's benefit rights, shall be amended 13620  
when the quarterly report of wage information from the employer is 13621  
timely received and that information causes a change in the 13622  
determination. As provided in division (B) of section 4141.28 of 13623  
the Revised Code, any benefits paid and charged to an employer's 13624  
account, based upon a claimant's affidavit, shall be adjusted 13625  
effective as of the beginning of the claimant's benefit year. No 13626



calendar quarter in a base period or alternate base period shall 13627  
be used to establish a subsequent benefit year. 13628

(3) The "base period" of a combined wage claim, as described 13629  
in division (H) of section 4141.43 of the Revised Code, shall be 13630  
the base period prescribed by the law of the state in which the 13631  
claim is allowed. 13632

(4) For purposes of determining the weeks that comprise a 13633  
completed calendar quarter under this division, only those weeks 13634  
ending at midnight Saturday within the calendar quarter shall be 13635  
utilized. 13636

(R)(1) "Benefit year" with respect to an individual means the 13637  
fifty-two week period beginning with the first day of that week 13638  
with respect to which the individual first files a valid 13639  
application for determination of benefit rights, and thereafter 13640  
the fifty-two week period beginning with the first day of that 13641  
week with respect to which the individual next files a valid 13642  
application for determination of benefit rights after the 13643  
termination of the individual's last preceding benefit year, 13644  
except that the application shall not be considered valid unless 13645  
the individual has had employment in six weeks that is subject to 13646  
this chapter or the unemployment compensation act of another 13647  
state, or the United States, and has, since the beginning of the 13648  
individual's previous benefit year, in the employment earned three 13649  
times the average weekly wage determined for the previous benefit 13650  
year. The "benefit year" of a combined wage claim, as described in 13651  
division (H) of section 4141.43 of the Revised Code, shall be the 13652  
benefit year prescribed by the law of the state in which the claim 13653  
is allowed. Any application for determination of benefit rights 13654  
made in accordance with section 4141.28 of the Revised Code is 13655  
valid if the individual filing such application is unemployed, has 13656  
been employed by an employer or employers subject to this chapter 13657  
in at least twenty qualifying weeks within the individual's base 13658

period, and has earned or been paid remuneration at an average 13659  
weekly wage of not less than twenty-seven and one-half per cent of 13660  
the statewide average weekly wage for such weeks. For purposes of 13661  
determining whether an individual has had sufficient employment 13662  
since the beginning of the individual's previous benefit year to 13663  
file a valid application, "employment" means the performance of 13664  
services for which remuneration is payable. 13665

(2) Effective for benefit years beginning on and after 13666  
December 26, 2004, any application for determination of benefit 13667  
rights made in accordance with section 4141.28 of the Revised Code 13668  
is valid if the individual satisfies the criteria described in 13669  
division (R)(1) of this section, and if the reason for the 13670  
individual's separation from employment is not disqualifying 13671  
pursuant to division (D)(2) of section 4141.29 or section 4141.291 13672  
of the Revised Code. A disqualification imposed pursuant to 13673  
division (D)(2) of section 4141.29 or section 4141.291 of the 13674  
Revised Code must be removed as provided in those sections as a 13675  
requirement of establishing a valid application for benefit years 13676  
beginning on and after December 26, 2004. 13677

(3) The statewide average weekly wage shall be calculated by 13678  
the director once a year based on the twelve-month period ending 13679  
the thirtieth day of June, as set forth in division (B)(3) of 13680  
section 4141.30 of the Revised Code, rounded down to the nearest 13681  
dollar. Increases or decreases in the amount of remuneration 13682  
required to have been earned or paid in order for individuals to 13683  
have filed valid applications shall become effective on Sunday of 13684  
the calendar week in which the first day of January occurs that 13685  
follows the twelve-month period ending the thirtieth day of June 13686  
upon which the calculation of the statewide average weekly wage 13687  
was based. 13688

(4) As used in this division, an individual is "unemployed" 13689  
if, with respect to the calendar week in which such application is 13690

filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this division, means any service performed prior to January 1, 1972, which was agricultural labor as defined in this division prior to that date, and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 U.S.C. 1141j, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one half of the commodity with respect to which such service is performed;

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V)(4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V)(4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other

similar structures used primarily for the raising of agricultural 13753  
or horticultural commodities and orchards. 13754

(W) "Hospital" means an institution which has been registered 13755  
or licensed by the Ohio department of health as a hospital. 13756

(X) "Nonprofit organization" means an organization, or group 13757  
of organizations, described in section 501(c)(3) of the "Internal 13758  
Revenue Code of 1954," and exempt from income tax under section 13759  
501(a) of that code. 13760

(Y) "Institution of higher education" means a public or 13761  
nonprofit educational institution, including an educational 13762  
institution operated by an Indian tribe, which: 13763

(1) Admits as regular students only individuals having a 13764  
certificate of graduation from a high school, or the recognized 13765  
equivalent; 13766

(2) Is legally authorized in this state or by the Indian 13767  
tribe to provide a program of education beyond high school; and 13768

(3) Provides an educational program for which it awards a 13769  
bachelor's or higher degree, or provides a program which is 13770  
acceptable for full credit toward such a degree, a program of 13771  
post-graduate or post-doctoral studies, or a program of training 13772  
to prepare students for gainful employment in a recognized 13773  
occupation. 13774

For the purposes of this division, all colleges and 13775  
universities in this state are institutions of higher education. 13776

(Z) For the purposes of this chapter, "states" includes the 13777  
District of Columbia, the Commonwealth of Puerto Rico, and the 13778  
Virgin Islands. 13779

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 13780  
this section, an individual who is an alien admitted to the United 13781  
States to perform service in agricultural labor pursuant to 13782

sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 13783  
13784

(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and: 13785  
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(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; 13788  
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(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. 13792  
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(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: 13796  
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(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 13800  
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(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 13803  
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(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. 13807  
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(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not 13810  
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treated as in the employment of the crew leader under division 13813  
(BB)(2) of this section shall be treated as the employee of the 13814  
other employer or farm operator and not of the crew leader. The 13815  
other employer or farm operator shall be treated as having paid 13816  
cash remuneration to the individual in an amount equal to the 13817  
amount of cash remuneration paid to the individual by the crew 13818  
leader, either on the crew leader's own behalf or on behalf of the 13819  
other employer or farm operator, for the service in agricultural 13820  
labor performed for the other employer or farm operator. 13821

(CC) "Educational institution" means an institution other 13822  
than an institution of higher education as defined in division (Y) 13823  
of this section, including an educational institution operated by 13824  
an Indian tribe, which: 13825

(1) Offers participants, trainees, or students an organized 13826  
course of study or training designed to transfer to them 13827  
knowledge, skills, information, doctrines, attitudes, or abilities 13828  
from, by, or under the guidance of an instructor or teacher; and 13829

(2) Is approved, chartered, or issued a permit to operate as 13830  
a school by the state board of education, other government agency, 13831  
or Indian tribe that is authorized within the state to approve, 13832  
charter, or issue a permit for the operation of a school. 13833

For the purposes of this division, the courses of study or 13834  
training which the institution offers may be academic, technical, 13835  
trade, or preparation for gainful employment in a recognized 13836  
occupation. 13837

(DD) "Cost savings day" means any unpaid day off from work in 13838  
which employees continue to accrue employee benefits which have a 13839  
determinable value including, but not limited to, vacation, 13840  
pension contribution, sick time, and life and health insurance. 13841

**Sec. 4141.09.** (A) There is hereby created an unemployment 13842

compensation fund to be administered by the state without 13843  
liability on the part of the state beyond the amounts paid into 13844  
the fund and earned by the fund. The unemployment compensation 13845  
fund shall consist of all contributions, payments in lieu of 13846  
contributions described in sections 4141.241 and 4141.242 of the 13847  
Revised Code, reimbursements of the federal share of extended 13848  
benefits described in section 4141.301 of the Revised Code, 13849  
collected under sections 4141.01 to 4141.56 of the Revised Code, 13850  
and the amount required under division (A)(4) of section 4141.35 13851  
of the Revised Code, together with all interest earned upon any 13852  
moneys deposited with the secretary of the treasury of the United 13853  
States to the credit of the account of this state in the 13854  
unemployment trust fund established and maintained pursuant to 13855  
section 904 of the "Social Security Act," any property or 13856  
securities acquired through the use of moneys belonging to the 13857  
fund, and all earnings of such property or securities. The 13858  
unemployment compensation fund shall be used to pay benefits, 13859  
shared work compensation as defined in section 4141.50 of the 13860  
Revised Code, and refunds as provided by such sections and for no 13861  
other purpose. 13862

(B) The treasurer of state shall be the custodian of the 13863  
unemployment compensation fund and shall administer such fund in 13864  
accordance with the directions of the director of job and family 13865  
services. All disbursements therefrom shall be paid by the 13866  
treasurer of state on warrants drawn by the director. Such 13867  
warrants may bear the facsimile signature of the director printed 13868  
thereon and that of a deputy or other employee of the director 13869  
charged with the duty of keeping the account of the unemployment 13870  
compensation fund and with the preparation of warrants for the 13871  
payment of benefits to the persons entitled thereto. Moneys in the 13872  
clearing and benefit accounts shall not be commingled with other 13873  
state funds, except as provided in division (C) of this section, 13874  
but shall be maintained in separate accounts on the books of the 13875



depository bank. Such money shall be secured by the depository 13876  
bank to the same extent and in the same manner as required by 13877  
sections 135.01 to 135.21 of the Revised Code; and collateral 13878  
pledged for this purpose shall be kept separate and distinct from 13879  
any collateral pledged to secure other funds of this state. All 13880  
sums recovered for losses sustained by the unemployment 13881  
compensation fund shall be deposited therein. The treasurer of 13882  
state shall be liable on the treasurer's official bond for the 13883  
faithful performance of the treasurer's duties in connection with 13884  
the unemployment compensation fund, such liability to exist in 13885  
addition to any liability upon any separate bond. 13886

(C) The treasurer of state shall maintain within the 13887  
unemployment compensation fund three separate accounts which shall 13888  
be a clearing account, a trust fund account, and a benefit 13889  
account. All moneys payable to the unemployment compensation fund, 13890  
upon receipt by the director, shall be forwarded to the treasurer 13891  
of state, who shall immediately deposit them in the clearing 13892  
account. Refunds of contributions, or payments in lieu of 13893  
contributions, payable pursuant to division (E) of this section 13894  
may be paid from the clearing account upon warrants signed by a 13895  
deputy or other employee of the director charged with the duty of 13896  
keeping the record of the clearing account and with the 13897  
preparation of warrants for the payment of refunds to persons 13898  
entitled thereto. After clearance thereof, all moneys in the 13899  
clearing account shall be deposited with the secretary of the 13900  
treasury of the United States to the credit of the account of this 13901  
state in the unemployment trust fund established and maintained 13902  
pursuant to section 904 of the "Social Security Act," in 13903  
accordance with requirements of the "Federal Unemployment Tax 13904  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 13905  
in this state relating to the deposit, administration, release, or 13906  
disbursement of moneys in the possession or custody of this state 13907  
to the contrary notwithstanding. The benefit account shall consist 13908

of all moneys requisitioned from this state's account in the 13909  
unemployment trust fund. Federal funds may be deposited, at the 13910  
director's discretion, into the benefit account. Any funds 13911  
deposited into the benefit account shall be disbursed solely for 13912  
payment of benefits under a federal program administered by this 13913  
state and for no other purpose. Moneys in the clearing and benefit 13914  
accounts may be deposited by the treasurer of state, under the 13915  
direction of the director, in any bank or public depository in 13916  
which general funds of the state may be deposited, but no public 13917  
deposit insurance charge or premium shall be paid out of the fund. 13918

(D) Moneys shall be requisitioned from this state's account 13919  
in the unemployment trust fund solely for the payment of benefits 13920  
and in accordance with regulations prescribed by the director. The 13921  
director shall requisition from the unemployment trust fund such 13922  
amounts, not exceeding the amount standing to this state's account 13923  
therein, as are deemed necessary for the payment of benefits for a 13924  
reasonable future period. Upon receipt thereof, the treasurer of 13925  
state shall deposit such moneys in the benefit account. 13926  
Expenditures of such money in the benefit account and refunds from 13927  
the clearing account shall not require specific appropriations or 13928  
other formal release by state officers of money in their custody. 13929  
Any balance of moneys requisitioned from the unemployment trust 13930  
fund which remains unclaimed or unpaid in the benefit account 13931  
after the expiration of the period for which such sums were 13932  
requisitioned shall either be deducted from estimates for and may 13933  
be utilized for the payment of benefits during succeeding periods, 13934  
or, in the discretion of the director, shall be redeposited with 13935  
the secretary of the treasury of the United States to the credit 13936  
of this state's account in the unemployment trust fund, as 13937  
provided in division (C) of this section. Unclaimed or unpaid 13938  
federal funds redeposited with the secretary of the treasury of 13939  
the United States shall be credited to the appropriate federal 13940  
account. 13941

(E) No claim for an adjustment or a refund on contribution, 13942  
payment in lieu of contributions, interest, or forfeiture alleged 13943  
to have been erroneously or illegally assessed or collected, or 13944  
alleged to have been collected without authority, and no claim for 13945  
an adjustment or a refund of any sum alleged to have been 13946  
excessive or in any manner wrongfully collected shall be allowed 13947  
unless an application, in writing, therefor is made within four 13948  
years from the date on which such payment was made. If the 13949  
director determines that such contribution, payment in lieu of 13950  
contributions, interest, or forfeiture, or any portion thereof, 13951  
was erroneously collected, the director shall allow such employer 13952  
to make an adjustment thereof without interest in connection with 13953  
subsequent contribution payments, or payments in lieu of 13954  
contributions, by the employer, or the director may refund said 13955  
amount, without interest, from the clearing account of the 13956  
unemployment compensation fund, except as provided in division (B) 13957  
of section 4141.11 of the Revised Code. For like cause and within 13958  
the same period, adjustment or refund may be so made on the 13959  
director's own initiative. An overpayment of contribution, payment 13960  
in lieu of contributions, interest, or forfeiture for which an 13961  
employer has not made application for refund prior to the date of 13962  
sale of the employer's business shall accrue to the employer's 13963  
successor in interest. 13964

An application for an adjustment or a refund, or any portion 13965  
thereof, that is rejected is binding upon the employer unless, 13966  
within thirty days after the mailing of a written notice of 13967  
rejection to the employer's last known address, or, in the absence 13968  
of mailing of such notice, within thirty days after the delivery 13969  
of such notice, the employer files an application for a review and 13970  
redetermination setting forth the reasons therefor. The director 13971  
shall promptly examine the application for review and 13972  
redetermination, and if a review is granted, the employer shall be 13973  
promptly notified thereof, and shall be granted an opportunity for 13974

a prompt hearing. 13975

(F) If the director finds that contributions have been paid 13976  
to the director in error, and that such contributions should have 13977  
been paid to a department of another state or of the United States 13978  
charged with the administration of an unemployment compensation 13979  
law, the director may upon request by such department or upon the 13980  
director's own initiative transfer to such department the amount 13981  
of such contributions, less any benefits paid to claimants whose 13982  
wages were the basis for such contributions. The director may 13983  
request and receive from such department any contributions or 13984  
adjusted contributions paid in error to such department which 13985  
should have been paid to the director. 13986

(G) In accordance with section 303(c)(3) of the Social 13987  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 13988  
of 1954 for continuing certification of Ohio unemployment 13989  
compensation laws for administrative grants and for tax credits, 13990  
any interest required to be paid on advances under Title XII of 13991  
the Social Security Act shall be paid in a timely manner and shall 13992  
not be paid, directly or indirectly, by an equivalent reduction in 13993  
the Ohio unemployment taxes or otherwise, by the state from 13994  
amounts in the unemployment compensation fund. 13995

(H) The treasurer of state, under the direction of the 13996  
director and in accordance with the "Cash Management Improvement 13997  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 13998  
amounts of interest earned by the state on funds in the benefit 13999  
account established pursuant to division (C) of this section into 14000  
~~the department of job and family services banking fees fund, which~~ 14001  
~~is hereby created in the state treasury for the purpose of paying~~ 14002  
~~related banking costs incurred by the state for the period for~~ 14003  
~~which the interest is calculated, except that if the deposited~~ 14004  
~~interest exceeds the banking costs incurred by the state for the~~ 14005  
~~period for which the interest is calculated, the treasurer of~~ 14006

~~state shall deposit the excess interest into the unemployment~~ 14007  
~~trust fund.~~ 14008

(I) The treasurer of state, under the direction of the 14009  
director, shall deposit federal funds received by the director for 14010  
training and administration and for payment of benefits, job 14011  
search, relocation, transportation, and subsistence allowances 14012  
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 14013  
2101, as amended; the "North American Free Trade Agreement 14014  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 14015  
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 14016  
3801, as amended, into the Trade Act training and administration 14017  
account, which is hereby created for the purpose of making 14018  
payments specified under those acts. The treasurer of state, under 14019  
the direction of the director, may transfer funds from the Trade 14020  
Act training and administration account to the benefit account for 14021  
the purpose of making any payments directly to claimants for 14022  
benefits, job search, relocation, transportation, and subsistence 14023  
allowances, as specified by those acts. 14024

**Sec. 4141.11.** There is hereby created in the state treasury 14025  
the unemployment compensation special administrative fund. The 14026  
fund shall consist of all interest collected on delinquent 14027  
contributions pursuant to this chapter, all fines and forfeitures 14028  
collected under this chapter, all money received from the sale of 14029  
real property under section 4141.131 of the Revised Code, the 14030  
amount required under division (A)(4) of section 4141.35 of the 14031  
Revised Code, and all court costs and interest paid or collected 14032  
in connection with the repayment of fraudulently obtained benefits 14033  
pursuant to section 4141.35 of the Revised Code. All interest 14034  
earned on the money in the fund shall be retained in the fund and 14035  
shall not be credited or transferred to any other fund or account, 14036  
except as provided in division (B) of this section. All moneys 14037  
which are deposited or paid into this fund may be used by: 14038

(A) The director of job and family services whenever it appears that such use is necessary for:

(1) The proper administration of this chapter and no federal funds are available for the specific purpose for which the expenditure is to be made, provided the moneys are not substituted for appropriations from federal funds, which in the absence of such moneys would be available;

(2) The proper administration of this chapter for which purpose appropriations from federal funds have been requested and approved but not received, provided the fund would be reimbursed upon receipt of the federal appropriation;

(3) To the extent possible, the repayment to the unemployment compensation administration fund of moneys found by the proper agency of the United States to have been lost or expended for purposes other than, or an amount in excess of, those found necessary by the proper agency of the United States for the administration of this chapter.

(B) The director or the director's deputy whenever it appears that such use is necessary for the payment of refunds or adjustments of interest, fines, forfeitures, or court costs erroneously collected and paid into this fund pursuant to this chapter.

(C) The director, to pay state disaster unemployment benefits pursuant to section 4141.292 of the Revised Code.

(D) The director, to pay any costs attributable to the director that are associated with the sale of real property under section 4141.131 of the Revised Code.

Whenever the balance in the unemployment compensation special administrative fund is considered to be excessive by the director, the director shall request the director of budget and management to transfer to the unemployment compensation fund the amount

considered to be excessive. Any balance in the unemployment 14070  
compensation special administrative fund shall not lapse at any 14071  
time, but shall be continuously available to the director of job 14072  
and family services for expenditures consistent with this chapter. 14073

**Sec. 4141.131.** ~~(A)~~ The director of job and family services 14074  
may enter into contracts for the sale of real property no longer 14075  
needed by the director for the operations of the director under 14076  
this title. Any costs attributable to the director that are 14077  
associated with the sale of real property under this section shall 14078  
be paid out of the unemployment compensation special 14079  
administrative fund established pursuant to section 4141.11 of the 14080  
Revised Code. The director shall submit a report summarizing the 14081  
use of that fund for the purpose of this section at least annually 14082  
to the unemployment compensation advisory council as prescribed by 14083  
the council. 14084

~~(B)(1) Earnest moneys from the sale of real property pursuant 14085  
to division (A) of this section shall be deposited into the 14086  
department of job and family services building consolidation fund, 14087  
which is hereby created in the state treasury. The balance of the 14088  
purchase price shall be deposited into the department of job and 14089  
family services building enhancement fund, which is hereby created 14090  
in the state treasury. The building enhancement fund shall retain 14091  
its own interest. Upon completion of the sale and the request of 14092  
the director, the treasurer of state shall transfer the earnest 14093  
moneys in the building consolidation fund into the building 14094  
enhancement fund. The director shall use the interest earned on 14095  
the moneys in the building enhancement fund only in accordance 14096  
with division (C) of this section. 14097~~

~~(2) The director shall deposit sufficient moneys from the 14098  
sale of real property pursuant to division (A) of this section 14099  
into the unemployment compensation special administrative fund to 14100~~

~~reimburse the fund for all costs associated with the sale of that real property.~~ 14101  
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~~(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.~~ 14103  
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~~(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.~~ 14114  
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The buyer shall present the deed for recording in the county recorder's office of the county in which the real property is located. 14124  
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**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 the director to carry out the requirements of this chapter. Every employer receiving from the director any blank with direction to 14127  
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fill it out shall cause it to be properly filled out, in the 14132  
manner prescribed by the director, so as to answer fully and 14133  
correctly all questions therein propounded, and shall furnish all 14134  
the information therein sought, or, if unable to do so, that 14135  
employer shall give the director in writing good and sufficient 14136  
reason for such failure. 14137

The director may require that such information be verified 14138  
under oath and returned to the director within the period fixed by 14139  
the director or by law. The director or any person employed by the 14140  
director for that purpose may examine under oath any such 14141  
employer, or the officer, agent, or employee of that employer, for 14142  
the purpose of ascertaining any information that the employer is 14143  
required by this chapter to furnish to the director. ~~Any employer~~ 14144  
~~who fails to furnish information as is required by the director~~ 14145  
~~under authority of this section shall forfeit five hundred dollars~~ 14146  
~~to be collected in a civil action brought against the employer in~~ 14147  
~~the name of the state.~~ 14148

(B) ~~Effective with the calendar quarter beginning April 1,~~ 14149  
~~1987, every contributory employer shall file a quarterly~~ 14150  
~~contribution report and a quarterly report of wages. The quarterly~~ 14151  
~~reports shall be filed no later than the last day of the first~~ 14152  
~~month following the close of the calendar quarter for which the~~ 14153  
~~quarterly reports are being filed. The employer shall enter on the~~ 14154  
~~quarterly contribution report the total and taxable remuneration~~ 14155  
~~paid to all employees during the quarter. The employer shall enter~~ 14156  
~~on the quarterly report of wages the name and social security~~ 14157  
~~number of each individual employed during the calendar quarter,~~ 14158  
~~the total remuneration paid the individual, the number of weeks~~ 14159  
~~during the quarter for which the individual was paid remuneration,~~ 14160  
~~and any other information as required by section 1137 of the~~ 14161  
~~"Social Security Act."~~ 14162

~~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.~~

~~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.~~

~~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 showing good cause for failure to file the required quarterly report of wages.~~

~~(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."~~

~~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.~~

~~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 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 payroll report. The director may~~ 14227  
~~waive the forfeiture only if the employer provides to the director~~ 14228  
~~a written statement showing good cause for failure to file the~~ 14229  
~~required quarterly payroll report.~~ 14230

~~Effective with the calendar quarter beginning January 1,~~ 14231  
~~1993, in case of failure to file the quarterly report of wages~~ 14232  
~~containing all the required information within the time prescribed~~ 14233  
~~by this section, there shall be assessed a forfeiture amounting to~~ 14234  
~~twenty five one hundredths of one per cent of the total~~ 14235  
~~remuneration paid by the employer, provided such forfeiture shall~~ 14236  
~~be not less than thirty nor more than five hundred dollars per~~ 14237  
~~quarterly report of wages. The director may waive the forfeiture~~ 14238  
~~only if the employer provides to the director a written statement~~ 14239  
~~showing good cause for failure to file the required quarterly~~ 14240  
~~report of wages.~~ 14241

~~(D) Effective with the calendar quarter beginning January 1,~~ 14242  
~~2002, every Every contributory employer shall file a quarterly~~ 14243  
~~contribution and wage report. The quarterly report shall be filed~~ 14244  
~~not later than the last day of the first month following the close~~ 14245  
~~of the calendar quarter for which the quarterly report is being~~ 14246  
~~filed. The employer shall enter on the quarterly report the total~~ 14247  
~~and taxable remuneration paid to all employees during the quarter,~~ 14248  
~~the name and social security number of each individual employed~~ 14249  
~~during the calendar quarter, the total remuneration paid the~~ 14250  
~~individual, the number of weeks during the quarter for which the~~ 14251  
~~individual was paid remuneration, and any other information as~~ 14252  
~~required by section 1137 of the "Social Security Act."~~ 14253

~~Effective with the calendar quarter beginning January 1,~~ 14254  
~~2002, in In case of failure to properly file the quarterly~~ 14255  
~~contribution and wage report containing all the required~~ 14256  
~~contribution and wage information within the time prescribed by~~ 14257  
~~this section, the director shall assess a forfeiture amounting to~~ 14258

twenty-five one-hundredths of one per cent of the total 14259  
remuneration reported by the employer, provided such forfeiture 14260  
shall not be less than fifty nor more than one thousand dollars. 14261

~~(E) Effective with the calendar quarter beginning January 1,~~ 14262  
~~2002, every~~ (C) Every employer liable for payments in lieu of 14263  
contributions shall file a quarterly payroll and wage report. The 14264  
quarterly report shall be filed not later than the last day of the 14265  
first month following the close of the calendar quarter for which 14266  
the quarterly report is being filed. The employer shall enter on 14267  
the quarterly report the total remuneration paid to all employees 14268  
during the quarter, the total wages that would have been taxable 14269  
had the employer been subject to contributions, the name and 14270  
social security number of each individual employed during the 14271  
calendar quarter, the total remuneration paid the individual, the 14272  
number of weeks during the quarter for which the individual was 14273  
paid remuneration, and any other information as required by 14274  
section 1137 of the "Social Security Act." 14275

~~Effective with the calendar quarter beginning January 1,~~ 14276  
~~2002, in~~ In case of failure to properly file the quarterly payroll 14277  
and wage report containing all the required payroll and wage 14278  
information within the time prescribed by this section, the 14279  
director shall assess a forfeiture amounting to twenty-five 14280  
one-hundredths of one per cent of the total remuneration reported 14281  
by the employer, provided such forfeiture shall not be less than 14282  
fifty nor more than one thousand dollars. 14283

~~(F)~~(D) The director may waive a forfeiture assessed under 14284  
division ~~(D)~~(B) or ~~(E)~~(C) of this section if the employer provides 14285  
to the director, within four years after the date the forfeiture 14286  
was assessed, a written statement showing good cause for failure 14287  
to properly file the required information. 14288

~~(G)~~(E) The director shall furnish the form or forms on which 14289  
quarterly reports required under this section are to be submitted, 14290

or the employer may use other methods of reporting, including 14291  
electronic information transmission methods, as approved by the 14292  
director. 14293

~~(H)~~(F) All forfeitures required by this section shall be paid 14294  
into the unemployment compensation special administrative fund as 14295  
provided in section 4141.11 of the Revised Code. 14296

**Sec. 4141.25.** (A) The director of job and family services 14297  
shall determine as of each computation date the contribution rate 14298  
of each contributing employer subject to this chapter for the next 14299  
succeeding contribution period. The director shall determine a 14300  
standard rate of contribution or an experience rate for each 14301  
contributing employer. Once a rate of contribution has been 14302  
established under this section for a contribution period, except 14303  
as provided in division (D) of section 4141.26 of the Revised 14304  
Code, that rate shall remain effective throughout such 14305  
contribution period. The rate of contribution shall be determined 14306  
in accordance with the following requirements: 14307

(1) An employer whose experience does not meet the terms of 14308  
division (A)(2) of this section shall be assigned a standard rate 14309  
of contribution. Effective for contribution periods beginning on 14310  
and after January 1, 1998, an employer's standard rate of 14311  
contribution shall be a rate of two and seven-tenths per cent, 14312  
except that the rate for employers engaged in the construction 14313  
industry shall be the average contribution rate computed for the 14314  
construction industry or a rate of two and seven-tenths per cent, 14315  
whichever is greater. The standard rate set forth in this division 14316  
shall be applicable to a nonprofit organization whose election to 14317  
make payments in lieu of contributions is voluntarily terminated 14318  
or canceled by the director under section 4141.241 of the Revised 14319  
Code, and thereafter pays contributions as required by this 14320  
section. If such nonprofit organization had been a contributory 14321

employer prior to its election to make payments in lieu of 14322  
contributions, then any prior balance in the contributory account 14323  
shall become part of the reactivated account. 14324

As used in division (A) of this section, "the average 14325  
contribution rate computed for the construction industry" means 14326  
the most recent annual average rate attributable to the 14327  
construction industry as prescribed by the director. 14328

(2) A contributing employer subject to this chapter shall 14329  
qualify for an experience rate only if there have been four 14330  
consecutive quarters, ending on the thirtieth day of June 14331  
immediately prior to the computation date, throughout which the 14332  
employer's account was chargeable with benefits. Upon meeting the 14333  
qualifying requirements provided in division (A)(2) of this 14334  
section, the director shall calculate the total credits to each 14335  
employer's account consisting of the contributions other than 14336  
mutualized contributions including all contributions paid prior to 14337  
the computation date for all past periods plus: 14338

(a) The contributions owing on the computation date that are 14339  
paid within thirty days after the computation date, and credited 14340  
to the employer's account; 14341

(b) All voluntary contributions paid by an employer pursuant 14342  
to division (B) of section 4141.24 of the Revised Code. 14343

(3) The director also shall determine the benefits which are 14344  
chargeable to each employer's account and which were paid prior to 14345  
the computation date with respect to weeks of unemployment ending 14346  
prior to the computation date. The director then shall determine 14347  
the positive or negative balance of each employer's account by 14348  
calculating the excess of such contributions and interest over the 14349  
benefits chargeable, or the excess of such benefits over such 14350  
contributions and interest. Any resulting negative balance then 14351  
shall be subject to adjustment as provided in division (A)(2) of 14352

section 4141.24 of the Revised Code after which the positive or  
negative balance shall be expressed in terms of a percentage of  
the employer's average annual payroll. If the total standing to  
the credit of an employer's account exceeds the total charges, as  
provided in this division, the employer has a positive balance and  
if such charges exceed such credits the employer has a negative  
balance. Each employer's contribution rate shall then be  
determined in accordance with the following schedule:

Contribution Rate Schedule

If, as of the computation date the contribution rate balance of an employer's account as a percentage of the employer's average annual payroll is	The employer's contribution rate for the next succeeding contribution period shall be	
(a) A negative balance of:		
20.0% or more	6.5%	
19.0% but less than 20.0%	6.4%	
17.0% but less than 19.0%	6.3%	
15.0% but less than 17.0%	6.2%	
13.0% but less than 15.0%	6.1%	
11.0% but less than 13.0%	6.0%	
9.0% but less than 11.0%	5.9%	
5.0% but less than 9.0%	5.7%	
4.0% but less than 5.0%	5.5%	
3.0% but less than 4.0%	5.3%	
2.0% but less than 3.0%	5.1%	
1.0% but less than 2.0%	4.9%	
more than 0.0% but less than 1.0%	4.8%	
(b) A 0.0% or a positive balance of less than 1.0%	4.7%	
(c) A positive balance of:		
1.0% or more, but less than 1.5%	4.6%	



1.5% or more, but less than 2.0%	4.5%	14385
2.0% or more, but less than 2.5%	4.3%	14386
2.5% or more, but less than 3.0%	4.0%	14387
3.0% or more, but less than 3.5%	3.8%	14388
3.5% or more, but less than 4.0%	3.5%	14389
4.0% or more, but less than 4.5%	3.3%	14390
4.5% or more, but less than 5.0%	3.0%	14391
5.0% or more, but less than 5.5%	2.8%	14392
5.5% or more, but less than 6.0%	2.5%	14393
6.0% or more, but less than 6.5%	2.2%	14394
6.5% or more, but less than 7.0%	2.0%	14395
7.0% or more, but less than 7.5%	1.8%	14396
7.5% or more, but less than 8.0%	1.6%	14397
8.0% or more, but less than 8.5%	1.4%	14398
8.5% or more, but less than 9.0%	1.3%	14399
9.0% or more, but less than 9.5%	1.1%	14400
9.5% or more, but less than 10.0%	1.0%	14401
10.0% or more, but less than 10.5%	.9%	14402
10.5% or more, but less than 11.0%	.7%	14403
11.0% or more, but less than 11.5%	.6%	14404
11.5% or more, but less than 12.0%	.5%	14405
12.0% or more, but less than 12.5%	.4%	14406
12.5% or more, but less than 13.0%	.3%	14407
13.0% or more, but less than 14.0%	.2%	14408
14.0% or more	.1%	14409

(d) The contribution rates shall be as specified in divisions 14410  
(a), (b), and (c) of the contribution rate schedule except that 14411  
notwithstanding the amendments made to division (a) of the 14412  
contribution rate schedule in this section, if, as of the 14413  
computation date: for 1991, the negative balance is 5.0% or more, 14414  
the contribution rate shall be 5.7%; for 1992, if the negative 14415  
balance is 11.0% or more, the contribution rate shall be 6.0%; and 14416  
for 1993, if the negative balance is 17.0% or more, the 14417  
contribution rate shall be 6.3%. Thereafter, the contribution 14418  
rates shall be as specified in the contribution rate schedule. 14419

(B)(1) The director shall establish and maintain a separate 14420  
account to be known as the "mutualized account." As of each 14421  
computation date there shall be charged to this account: 14422

(a) As provided in division (A)(2) of section 4141.24 of the 14423  
Revised Code, an amount equal to the sum of that portion of the 14424  
negative balances of employer accounts which exceeds the 14425  
applicable limitations as such balances are computed under 14426  
division (A) of this section as of such date; 14427

(b) An amount equal to the sum of the negative balances 14428  
remaining in employer accounts which have been closed during the 14429  
year immediately preceding such computation date pursuant to 14430  
division (E) of section 4141.24 of the Revised Code; 14431

(c) An amount equal to the sum of all benefits improperly 14432  
paid preceding such computation date which are not recovered but 14433  
which are not charged to an employer's account, or which after 14434  
being charged, are credited back to an employer's account; 14435

(d) An amount equal to the sum of any other benefits paid 14436  
preceding such computation date which, under this chapter, are not 14437  
chargeable to an employer's account; 14438

(e) An amount equal to the sum of any refunds made during the 14439  
year immediately preceding such computation date of erroneously 14440

collected mutualized contributions required by this division which 14441  
were previously credited to this account; 14442

(f) An amount equal to the sum of any repayments made to the 14443  
federal government during the year immediately preceding such 14444  
computation date of amounts which may have been advanced by it to 14445  
the unemployment compensation fund under section 1201 of the 14446  
"Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301; 14447

(g) Any amounts appropriated by the general assembly out of 14448  
funds paid by the federal government, under section 903 of the 14449  
"Social Security Act," to the account of this state in the federal 14450  
unemployment trust fund. 14451

(2) As of every computation date there shall be credited to 14452  
the mutualized account provided for in this division: 14453

(a) The proceeds of the mutualized contributions as provided 14454  
in this division; 14455

(b) Any positive balances remaining in employer accounts 14456  
which are closed as provided in division (E) of section 4141.24 of 14457  
the Revised Code; 14458

(c) Any benefits improperly paid which are recovered but 14459  
which cannot be credited to an employer's account; 14460

(d) All amounts which may be paid by the federal government 14461  
under section 903 of the "Social Security Act" to the account of 14462  
this state in the federal unemployment trust fund; 14463

(e) Amounts advanced by the federal government to the account 14464  
of this state in the federal unemployment trust fund under section 14465  
1201 of the "Social Security Act" to the extent such advances have 14466  
been repaid to or recovered by the federal government; 14467

(f) Interest credited to the Ohio unemployment trust fund as 14468  
deposited with the secretary of the treasury of the United States; 14469

(g) Amounts deposited into the unemployment compensation fund 14470

for penalties collected pursuant to division (A)(4) of section 14471  
4141.35 of the Revised Code. 14472

(3) Annually, as of the computation date, the director shall 14473  
determine the total credits and charges made to the mutualized 14474  
account during the preceding twelve months and the overall 14475  
condition of the account. The director shall issue an annual 14476  
statement containing this information and such other information 14477  
as the director deems pertinent, including a report that the sum 14478  
of the balances in the mutualized account, employers' accounts, 14479  
and any subsidiary accounts equal the balance in the state's 14480  
unemployment trust fund maintained under section 904 of the 14481  
"Social Security Act." 14482

(4) As used in this division: 14483

(a) "Fund as of the computation date" means as of any 14484  
computation date, the aggregate amount of the unemployment 14485  
compensation fund, including all contributions owing on the 14486  
computation date that are paid within thirty days thereafter, all 14487  
payments in lieu of contributions that are paid within sixty days 14488  
after the computation date, all reimbursements of the federal 14489  
share of extended benefits described in section 4141.301 of the 14490  
Revised Code that are owing on the computation date, and all 14491  
interest earned by the fund and received on or before the 14492  
computation date from the federal government. 14493

(b) "Minimum safe level" means an amount equal to two 14494  
standard deviations above the average of the adjusted annual 14495  
average unemployment compensation benefit payment from 1970 to the 14496  
most recent calendar year prior to the computation date, as 14497  
determined by the director pursuant to division (B)(4)(b) of this 14498  
section. To determine the adjusted annual payment of unemployment 14499  
compensation benefits, the director first shall multiply the 14500  
number of weeks compensated during each calendar year beginning 14501  
with 1970 by the most recent annual average weekly unemployment 14502

compensation benefit payment and then compute the average and 14503  
standard deviation of the resultant products. 14504

(c) "Annual average weekly unemployment compensation benefit 14505  
payment" means the amount resulting from dividing the unemployment 14506  
compensation benefits paid from the benefit account maintained 14507  
within the unemployment compensation fund pursuant to section 14508  
4141.09 of the Revised Code, by the number of weeks compensated 14509  
during the same time period. 14510

(5) If, as of any computation date, the charges to the 14511  
mutualized account during the entire period subsequent to the 14512  
computation date, July 1, 1966, made in accordance with division 14513  
(B)(1) of this section, exceed the credits to such account 14514  
including mutualized contributions during such period, made in 14515  
accordance with division (B)(2) of this section, the amount of 14516  
such excess charges shall be recovered during the next 14517  
contribution period. To recover such amount, the director shall 14518  
compute the percentage ratio of such excess charges to the average 14519  
annual payroll of all employers eligible for an experience rate 14520  
under division (A) of this section. The percentage so determined 14521  
shall be computed to the nearest tenth of one per cent and shall 14522  
be an additional contribution rate to be applied to the wages paid 14523  
by each employer whose rate is computed under the provisions of 14524  
division (A) of this section in the contribution period next 14525  
following such computation date, but such percentage shall not 14526  
exceed five-tenths of one per cent; however, when there are any 14527  
excess charges in the mutualized account, as computed in this 14528  
division, then the mutualized contribution rate shall not be less 14529  
than one-tenth of one per cent. 14530

(6) If the fund as of the computation date is above or below 14531  
minimum safe level, the contribution rates provided for in each 14532  
classification in division (A)(3) of this section for the next 14533  
contribution period shall be adjusted as follows: 14534

(a) If the fund is thirty per cent or more above minimum safe level, the contribution rates provided in division (A)(3) of this section shall be decreased two-tenths of one per cent.

(b) If the fund is more than fifteen per cent but less than thirty per cent above minimum safe level, the contribution rates provided in division (A)(3) of this section shall be decreased one-tenth of one per cent.

(c) If the fund is more than fifteen per cent but less than thirty per cent below minimum safe level, the contribution rates of all employers shall be increased twenty-five one-thousandths of one per cent plus a per cent increase calculated and rounded pursuant to division (B)(6)(g) of this section.

(d) If the fund is more than thirty per cent but less than forty-five per cent below minimum safe level, the contribution rates of all employers shall be increased seventy-five one-thousandths of one per cent plus a per cent increase calculated and rounded pursuant to division (B)(6)(g) of this section.

(e) If the fund is more than forty-five per cent but less than sixty per cent below minimum safe level, the contribution rates of all employers shall be increased one-eighth of one per cent plus a per cent increase calculated and rounded pursuant to division (B)(6)(g) of this section.

(f) If the fund is sixty per cent or more below minimum safe level, the contribution rates of all employers shall be increased two-tenths of one per cent plus a per cent increase calculated and rounded pursuant to division (B)(6)(g) of this section.

(g) The additional per cent increase in contribution rates required by divisions (B)(6)(c), (d), (e), and (f) of this section that is payable by each individual employer shall be calculated in the following manner. The flat rate increase required by a

particular division shall be multiplied by three and the product 14566  
divided by the average experienced-rated contribution rate for all 14567  
employers as determined by the director for the most recent 14568  
calendar year. The resulting quotient shall be multiplied by an 14569  
individual employer's contribution rate determined pursuant to 14570  
division (A)(3) of this section. The resulting product shall be 14571  
rounded to the nearest tenth of one per cent, added to the flat 14572  
rate increase required by division (B)(6)(c), (d), (e), or (f) of 14573  
this section, as appropriate, and the total shall be rounded to 14574  
the nearest tenth of one per cent. As used in division (B)(6)(g) 14575  
of this section, the "average experienced-rated contribution rate" 14576  
means the most recent annual average contribution rate reported by 14577  
the director contained in report RS 203.2 less the mutualized and 14578  
minimum safe level contribution rates included in such rate. 14579

(h) If any of the increased contribution rates of division 14580  
(B)(6)(c), (d), (e), or (f) of this section are imposed, the rate 14581  
shall remain in effect for the calendar year in which it is 14582  
imposed and for each calendar year thereafter until the director 14583  
determines as of the computation date for calendar year 1991 and 14584  
as of the computation date for any calendar year thereafter 14585  
pursuant to this section, that the level of the unemployment 14586  
compensation fund equals or exceeds the minimum safe level as 14587  
defined in division (B)(4)(b) of this section. Nothing in division 14588  
(B)(6)(h) of this section shall be construed as restricting the 14589  
imposition of the increased contribution rates provided in 14590  
divisions (B)(6)(c), (d), (e), and (f) of this section if the fund 14591  
falls below the percentage of the minimum safe level as specified 14592  
in those divisions. 14593

(7) The additional contributions required by division (B)(5) 14594  
of this section shall be credited to the mutualized account. The 14595  
additional contributions required by division (B)(6) of this 14596  
section shall be credited fifty per cent to individual employer 14597

accounts and fifty per cent to the mutualized account. 14598

(C) If an employer makes a payment of contributions which is 14599  
less than the full amount required by this section and sections 14600  
4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and 14601  
4141.27 of the Revised Code, such partial payment shall be applied 14602  
first against the mutualized contributions required under this 14603  
chapter. Any remaining partial payment shall be credited to the 14604  
employer's individual account. 14605

(D) Whenever there are any increases in contributions 14606  
resulting from an increase in wages subject to contributions as 14607  
defined in division (G) of section 4141.01 of the Revised Code, or 14608  
from an increase in the mutualized rate of contributions provided 14609  
in division (B) of this section, or from a revision of the 14610  
contribution rate schedule provided in division (A) of this 14611  
section, except for that portion of the increase attributable to a 14612  
change in the positive or negative balance in an employer's 14613  
account, which increases become effective after a contract for the 14614  
construction of real property, as defined in section 5701.02 of 14615  
the Revised Code, has been entered into, the contractee upon 14616  
written notice by a prime contractor shall reimburse the 14617  
contractor for all increased contributions paid by the prime 14618  
contractor or by subcontractors upon wages for services performed 14619  
under the contract. Upon reimbursement by the contractee to the 14620  
prime contractor, the prime contractor shall reimburse each 14621  
subcontractor for the increased contributions. 14622

(E) Effective only for the contribution period beginning on 14623  
January 1, 1996, and ending on December 31, 1996, mutualized 14624  
contributions collected or received by the director pursuant to 14625  
division (B)(5) of this section and amounts credited to the 14626  
mutualized account pursuant to division (B)(7) of this section 14627  
shall be deposited into or credited to the unemployment 14628  
compensation benefit reserve fund that is created under division 14629



(F) of this section, except that amounts collected, received, or 14630  
credited in excess of two hundred million dollars shall be 14631  
deposited into or credited to the unemployment trust fund 14632  
established pursuant to section 4141.09 of the Revised Code. 14633

(F) The state unemployment compensation benefit reserve fund 14634  
is hereby created as a trust fund in the custody of the treasurer 14635  
of state and shall not be part of the state treasury. The fund 14636  
shall consist of all moneys collected or received as mutualized 14637  
contributions pursuant to division (B)(5) of this section and 14638  
amounts credited to the mutualized account pursuant to division 14639  
(B)(7) of this section as provided by division (E) of this 14640  
section. All moneys in the fund shall be used solely to pay 14641  
unemployment compensation benefits in the event that funds are no 14642  
longer available for that purpose from the unemployment trust fund 14643  
established pursuant to section 4141.09 of the Revised Code. 14644

(G) The balance in the unemployment compensation benefit 14645  
reserve fund remaining at the end of the contribution period 14646  
beginning January 1, 2000, and any mutualized contribution amounts 14647  
for the contribution period beginning on January 1, 1996, that may 14648  
be received after December 31, 2000, shall be deposited into the 14649  
unemployment trust fund established pursuant to section 4141.09 of 14650  
the Revised Code. Income earned on moneys in the state 14651  
unemployment compensation benefit reserve fund shall be available 14652  
for use by the director only for the purposes described in 14653  
division (I) of this section, and shall not be used for any other 14654  
purpose. 14655

(H) The unemployment compensation benefit reserve fund 14656  
balance shall be added to the unemployment trust fund balance in 14657  
determining the minimum safe level tax to be imposed pursuant to 14658  
division (B) of this section and shall be included in the 14659  
mutualized account balance for the purpose of determining the 14660  
mutualized contribution rate pursuant to division (B)(5) of this 14661

section. 14662

(I) All income earned on moneys in the unemployment 14663  
compensation benefit reserve fund from the investment of the fund 14664  
by the treasurer of state shall accrue to the department of job 14665  
and family services automation administration fund, which is 14666  
hereby established in the state treasury. Moneys within the 14667  
automation administration fund shall be used to meet the costs 14668  
related to automation of the department and the administrative 14669  
costs related to collecting and accounting for unemployment 14670  
compensation benefit reserve fund revenue. Any funds remaining in 14671  
the automation administration fund upon completion of the 14672  
department's automation projects that are funded by that fund 14673  
shall be deposited into the unemployment trust fund established 14674  
pursuant to section 4141.09 of the Revised Code. 14675

(J) The director shall prepare and submit monthly reports to 14676  
the unemployment compensation advisory commission with respect to 14677  
the status of efforts to collect and account for unemployment 14678  
compensation benefit reserve fund revenue and the costs related to 14679  
collecting and accounting for that revenue. The director shall 14680  
obtain approval from the unemployment compensation advisory 14681  
commission for expenditure of funds from the department of job and 14682  
family services automation administration fund. Funds may be 14683  
approved for expenditure for purposes set forth in division (I) of 14684  
this section only to the extent that federal or other funds are 14685  
not available. 14686

**Sec. 4141.29.** Each eligible individual shall receive benefits 14687  
as compensation for loss of remuneration due to involuntary total 14688  
or partial unemployment in the amounts and subject to the 14689  
conditions stipulated in this chapter. 14690

(A) No individual is entitled to a waiting period or benefits 14691  
for any week unless the individual: 14692

(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;	14693 14694 14695
(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;	14696 14697
(3)(a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.	14698 14699 14700 14701 14702
(b) For purposes of division (A)(3) of this section, an individual has "registered" upon doing any of the following:	14703 14704
(i) Filing an application for benefit rights;	14705
(ii) Making a weekly claim for benefits;	14706
(iii) Reopening an existing claim following a period of employment or nonreporting.	14707 14708
(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. <u>However, an individual is not registered for purposes of division (A)(3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.</u>	14709 14710 14711 14712 14713 14714 14715
(d) The director may, for good cause, extend the period of registration.	14716 14717
(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.	14718 14719 14720
(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this	14721 14722

section, is actively seeking suitable work either in a locality in 14723  
which the individual has earned wages subject to this chapter 14724  
during the individual's base period, or if the individual leaves 14725  
that locality, then in a locality where suitable work normally is 14726  
performed. 14727

(ii) The director may waive the requirement that a claimant 14728  
be actively seeking work when the director finds that the 14729  
individual has been laid off and the employer who laid the 14730  
individual off has notified the director within ten days after the 14731  
layoff, that work is expected to be available for the individual 14732  
within a specified number of days not to exceed forty-five 14733  
calendar days following the last day the individual worked. In the 14734  
event the individual is not recalled within the specified period, 14735  
this waiver shall cease to be operative with respect to that 14736  
layoff. 14737

(iii) The director may waive the requirement that a claimant 14738  
be actively seeking work if the director determines that the 14739  
individual has been laid off and the employer who laid the 14740  
individual off has notified the director in accordance with 14741  
division (C) of section 4141.28 of the Revised Code that the 14742  
employer has closed the employer's entire plant or part of the 14743  
employer's plant for a purpose other than inventory or vacation 14744  
that will cause unemployment for a definite period not exceeding 14745  
twenty-six weeks beginning on the date the employer notifies the 14746  
director, for the period of the specific shutdown, if all of the 14747  
following apply: 14748

(I) The employer and the individuals affected by the layoff 14749  
who are claiming benefits under this chapter jointly request the 14750  
exemption. 14751

(II) The employer provides that the affected individuals 14752  
shall return to work for the employer within twenty-six weeks 14753  
after the date the employer notifies the director. 14754

(III) The director determines that the waiver of the active search for work requirement will promote productivity and economic stability within the state. 14755  
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(iv) Division (A)(4)(a)(iii) of this section does not exempt an individual from meeting the other requirements specified in division (A)(4)(a)(i) of this section to be able to work and otherwise fully be available for work. An exemption granted under division (A)(4)(a)(iii) of this section may be granted only with respect to a specific plant closing. 14758  
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(b)(i) The individual shall be instructed as to the efforts that the individual must make in the search for suitable work, including that, within six months after ~~the effective date of this amendment~~ October 11, 2013, the individual shall register with OhioMeansJobs, except in any of the following circumstances: 14764  
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(I) The individual is an individual described in division (A)(4)(b)(iii) of this section; 14769  
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(II) Where the active search for work requirement has been waived under division (A)(4)(a) of this section; 14771  
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(III) Where the active search for work requirement is considered to be met under division (A)(4)(c), (d), or (e) of this section. 14773  
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(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. 14776  
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(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 14783  
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individual unable to use a computer, or has a limited ability to 14786  
read, write, speak, or understand a language in which 14787  
OhioMeansJobs is available. 14788

(iv) As used in division (A)(4)(b) of this section: 14789

(I) "OhioMeansJobs" means the electronic job placement system 14790  
operated by the state. 14791

(II) "Registration" includes the creation, electronic 14792  
posting, and maintenance of an active, searchable resume. 14793

(c) An individual who is attending a training course approved 14794  
by the director meets the requirement of this division, if 14795  
attendance was recommended by the director and the individual is 14796  
regularly attending the course and is making satisfactory 14797  
progress. An individual also meets the requirements of this 14798  
division if the individual is participating and advancing in a 14799  
training program, as defined in division (P) of section 5709.61 of 14800  
the Revised Code, and if an enterprise, defined in division (B) of 14801  
section 5709.61 of the Revised Code, is paying all or part of the 14802  
cost of the individual's participation in the training program 14803  
with the intention of hiring the individual for employment as a 14804  
new employee, as defined in division (L) of section 5709.61 of the 14805  
Revised Code, for at least ninety days after the individual's 14806  
completion of the training program. 14807

(d) An individual who becomes unemployed while attending a 14808  
regularly established school and whose base period qualifying 14809  
weeks were earned in whole or in part while attending that school, 14810  
meets the availability and active search for work requirements of 14811  
division (A)(4)(a) of this section if the individual regularly 14812  
attends the school during weeks with respect to which the 14813  
individual claims unemployment benefits and makes self available 14814  
on any shift of hours for suitable employment with the 14815  
individual's most recent employer or any other employer in the 14816

individual's base period, or for any other suitable employment to 14817  
which the individual is directed, under this chapter. 14818

(e) An individual who is a member in good standing with a 14819  
labor organization that refers individuals to jobs meets the 14820  
active search for work requirement specified in division (A)(4)(a) 14821  
of this section if the individual provides documentation that the 14822  
individual is eligible for a referral or placement upon request 14823  
and in a manner prescribed by the director. 14824

(f) Notwithstanding any other provisions of this section, no 14825  
otherwise eligible individual shall be denied benefits for any 14826  
week because the individual is in training approved under section 14827  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 14828  
2296, nor shall that individual be denied benefits by reason of 14829  
leaving work to enter such training, provided the work left is not 14830  
suitable employment, or because of the application to any week in 14831  
training of provisions in this chapter, or any applicable federal 14832  
unemployment compensation law, relating to availability for work, 14833  
active search for work, or refusal to accept work. 14834

For the purposes of division (A)(4)(f) of this section, 14835  
"suitable employment" means with respect to an individual, work of 14836  
a substantially equal or higher skill level than the individual's 14837  
past adversely affected employment, as defined for the purposes of 14838  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 14839  
wages for such work at not less than eighty per cent of the 14840  
individual's average weekly wage as determined for the purposes of 14841  
that federal act. 14842

(5) Is unable to obtain suitable work. An individual who is 14843  
provided temporary work assignments by the individual's employer 14844  
under agreed terms and conditions of employment, and who is 14845  
required pursuant to those terms and conditions to inquire with 14846  
the individual's employer for available work assignments upon the 14847  
conclusion of each work assignment, is not considered unable to 14848

obtain suitable employment if suitable work assignments are 14849  
available with the employer but the individual fails to contact 14850  
the employer to inquire about work assignments. 14851

(6) Participates in reemployment services, such as job search 14852  
assistance services, if the individual has been determined to be 14853  
likely to exhaust benefits under this chapter, including 14854  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 14855  
extended compensation, and needs reemployment services pursuant to 14856  
the profiling system established by the director under division 14857  
(K) of this section, unless the director determines that: 14858

(a) The individual has completed such services; or 14859

(b) There is justifiable cause for the claimant's failure to 14860  
participate in such services. 14861

Ineligibility for failure to participate in reemployment 14862  
services as described in division (A)(6) of this section shall be 14863  
for the week or weeks in which the claimant was scheduled and 14864  
failed to participate without justifiable cause. 14865

(7) Participates in the reemployment and eligibility 14866  
assessment program, or other reemployment services, as required by 14867  
the director. As used in division (A)(7) of this section, 14868  
"reemployment services" includes job search assistance activities, 14869  
skills assessments, and the provision of labor market statistics 14870  
or analysis. 14871

(a) For purposes of division (A)(7) of this section, 14872  
participation is required unless the director determines that 14873  
either of the following circumstances applies to the individual: 14874

(i) The individual has completed similar services. 14875

(ii) Justifiable cause exists for the failure of the 14876  
individual to participate in those services. 14877

(b) Within six months after ~~the effective date of this~~ 14878



~~amendment~~ October 11, 2013, notwithstanding any earlier contact an individual may have had with a local one-stop county office, including as described in section 6301.08 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local one-stop county office for reemployment services in the manner prescribed by the director.

(c) An individual whose active search for work requirement has been waived under division (A)(4)(a) of this section or is considered to be satisfied under division (A)(4)(c), (d), or (e) of this section is exempt from the requirements of division (A)(7) of this section.

(B) An individual suffering total or partial unemployment is eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable during this required waiting period. Not more than one week of waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for total or partial unemployment benefits.

(C) The waiting period for total or partial unemployment shall commence on the first day of the first week with respect to which the individual first files a claim for benefits at an employment office or other place of registration maintained or designated by the director or on the first day of the first week with respect to which the individual has otherwise filed a claim for benefits in accordance with the rules of the department of job and family services, provided such claim is allowed by the director.

(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions:

(1) For any week with respect to which the director finds 14911  
that: 14912

(a) The individual's unemployment was due to a labor dispute 14913  
other than a lockout at any factory, establishment, or other 14914  
premises located in this or any other state and owned or operated 14915  
by the employer by which the individual is or was last employed; 14916  
and for so long as the individual's unemployment is due to such 14917  
labor dispute. No individual shall be disqualified under this 14918  
provision if either of the following applies: 14919

(i) The individual's employment was with such employer at any 14920  
factory, establishment, or premises located in this state, owned 14921  
or operated by such employer, other than the factory, 14922  
establishment, or premises at which the labor dispute exists, if 14923  
it is shown that the individual is not financing, participating 14924  
in, or directly interested in such labor dispute; 14925

(ii) The individual's employment was with an employer not 14926  
involved in the labor dispute but whose place of business was 14927  
located within the same premises as the employer engaged in the 14928  
dispute, unless the individual's employer is a wholly owned 14929  
subsidiary of the employer engaged in the dispute, or unless the 14930  
individual actively participates in or voluntarily stops work 14931  
because of such dispute. If it is established that the claimant 14932  
was laid off for an indefinite period and not recalled to work 14933  
prior to the dispute, or was separated by the employer prior to 14934  
the dispute for reasons other than the labor dispute, or that the 14935  
individual obtained a bona fide job with another employer while 14936  
the dispute was still in progress, such labor dispute shall not 14937  
render the employee ineligible for benefits. 14938

(b) The individual has been given a disciplinary layoff for 14939  
misconduct in connection with the individual's work. 14940

(2) For the duration of the individual's unemployment if the 14941

director finds that: 14942

(a) The individual quit work without just cause or has been 14943  
discharged for just cause in connection with the individual's 14944  
work, provided division (D)(2) of this section does not apply to 14945  
the separation of a person under any of the following 14946  
circumstances: 14947

(i) Separation from employment for the purpose of entering 14948  
the armed forces of the United States if the individual is 14949  
inducted into the armed forces within one of the following 14950  
periods: 14951

(I) Thirty days after separation; 14952

(II) One hundred eighty days after separation if the 14953  
individual's date of induction is delayed solely at the discretion 14954  
of the armed forces. 14955

(ii) Separation from employment pursuant to a 14956  
labor-management contract or agreement, or pursuant to an 14957  
established employer plan, program, or policy, which permits the 14958  
employee, because of lack of work, to accept a separation from 14959  
employment; 14960

(iii) The individual has left employment to accept a recall 14961  
from a prior employer or, except as provided in division 14962  
(D)(2)(a)(iv) of this section, to accept other employment as 14963  
provided under section 4141.291 of the Revised Code, or left or 14964  
was separated from employment that was concurrent employment at 14965  
the time of the most recent separation or within six weeks prior 14966  
to the most recent separation where the remuneration, hours, or 14967  
other conditions of such concurrent employment were substantially 14968  
less favorable than the individual's most recent employment and 14969  
where such employment, if offered as new work, would be considered 14970  
not suitable under the provisions of divisions (E) and (F) of this 14971  
section. Any benefits that would otherwise be chargeable to the 14972

account of the employer from whom an individual has left 14973  
employment or was separated from employment that was concurrent 14974  
employment under conditions described in division (D)(2)(a)(iii) 14975  
of this section, shall instead be charged to the mutualized 14976  
account created by division (B) of section 4141.25 of the Revised 14977  
Code, except that any benefits chargeable to the account of a 14978  
reimbursing employer under division (D)(2)(a)(iii) of this section 14979  
shall be charged to the account of the reimbursing employer and 14980  
not to the mutualized account, except as provided in division 14981  
(D)(2) of section 4141.24 of the Revised Code. 14982

(iv) When an individual has been issued a definite layoff 14983  
date by the individual's employer and before the layoff date, the 14984  
individual quits to accept other employment, the provisions of 14985  
division (D)(2)(a)(iii) of this section apply and no 14986  
disqualification shall be imposed under division (D) of this 14987  
section. However, if the individual fails to meet the employment 14988  
and earnings requirements of division (A)(2) of section 4141.291 14989  
of the Revised Code, then the individual, pursuant to division 14990  
(A)(5) of this section, shall be ineligible for benefits for any 14991  
week of unemployment that occurs prior to the layoff date. 14992

(b) The individual has refused without good cause to accept 14993  
an offer of suitable work when made by an employer either in 14994  
person or to the individual's last known address, or has refused 14995  
or failed to investigate a referral to suitable work when directed 14996  
to do so by a local employment office of this state or another 14997  
state, provided that this division shall not cause a 14998  
disqualification for a waiting week or benefits under the 14999  
following circumstances: 15000

(i) When work is offered by the individual's employer and the 15001  
individual is not required to accept the offer pursuant to the 15002  
terms of the labor-management contract or agreement; or 15003

(ii) When the individual is attending a training course 15004

pursuant to division (A)(4) of this section except, in the event 15005  
of a refusal to accept an offer of suitable work or a refusal or 15006  
failure to investigate a referral, benefits thereafter paid to 15007  
such individual shall not be charged to the account of any 15008  
employer and, except as provided in division (B)(1)(b) of section 15009  
4141.241 of the Revised Code, shall be charged to the mutualized 15010  
account as provided in division (B) of section 4141.25 of the 15011  
Revised Code. 15012

(c) Such individual quit work to marry or because of marital, 15013  
parental, filial, or other domestic obligations. 15014

(d) The individual became unemployed by reason of commitment 15015  
to any correctional institution. 15016

(e) The individual became unemployed because of dishonesty in 15017  
connection with the individual's most recent or any base period 15018  
work. Remuneration earned in such work shall be excluded from the 15019  
individual's total base period remuneration and qualifying weeks 15020  
that otherwise would be credited to the individual for such work 15021  
in the individual's base period shall not be credited for the 15022  
purpose of determining the total benefits to which the individual 15023  
is eligible and the weekly benefit amount to be paid under section 15024  
4141.30 of the Revised Code. Such excluded remuneration and 15025  
noncredited qualifying weeks shall be excluded from the 15026  
calculation of the maximum amount to be charged, under division 15027  
(D) of section 4141.24 and section 4141.33 of the Revised Code, 15028  
against the accounts of the individual's base period employers. In 15029  
addition, no benefits shall thereafter be paid to the individual 15030  
based upon such excluded remuneration or noncredited qualifying 15031  
weeks. 15032

For purposes of division (D)(2)(e) of this section, 15033  
"dishonesty" means the commission of substantive theft, fraud, or 15034  
deceitful acts. 15035

(E) No individual otherwise qualified to receive benefits 15036  
shall lose the right to benefits by reason of a refusal to accept 15037  
new work if: 15038

(1) As a condition of being so employed the individual would 15039  
be required to join a company union, or to resign from or refrain 15040  
from joining any bona fide labor organization, or would be denied 15041  
the right to retain membership in and observe the lawful rules of 15042  
any such organization. 15043

(2) The position offered is vacant due directly to a strike, 15044  
lockout, or other labor dispute. 15045

(3) The work is at an unreasonable distance from the 15046  
individual's residence, having regard to the character of the work 15047  
the individual has been accustomed to do, and travel to the place 15048  
of work involves expenses substantially greater than that required 15049  
for the individual's former work, unless the expense is provided 15050  
for. 15051

(4) The remuneration, hours, or other conditions of the work 15052  
offered are substantially less favorable to the individual than 15053  
those prevailing for similar work in the locality. 15054

(F) Subject to the special exceptions contained in division 15055  
(A)(4)(f) of this section and section 4141.301 of the Revised 15056  
Code, in determining whether any work is suitable for a claimant 15057  
in the administration of this chapter, the director, in addition 15058  
to the determination required under division (E) of this section, 15059  
shall consider the degree of risk to the claimant's health, 15060  
safety, and morals, the individual's physical fitness for the 15061  
work, the individual's prior training and experience, the length 15062  
of the individual's unemployment, the distance of the available 15063  
work from the individual's residence, and the individual's 15064  
prospects for obtaining local work. 15065

(G) The "duration of unemployment" as used in this section 15066

means the full period of unemployment next ensuing after a 15067  
separation from any base period or subsequent work and until an 15068  
individual has become reemployed in employment subject to this 15069  
chapter, or the unemployment compensation act of another state, or 15070  
of the United States, and until such individual has worked six 15071  
weeks and for those weeks has earned or been paid remuneration 15072  
equal to six times an average weekly wage of not less than: 15073  
eighty-five dollars and ten cents per week beginning on June 26, 15074  
1990; and beginning on and after January 1, 1992, twenty-seven and 15075  
one-half per cent of the statewide average weekly wage as computed 15076  
each first day of January under division (B)(3) of section 4141.30 15077  
of the Revised Code, rounded down to the nearest dollar, except 15078  
for purposes of division (D)(2)(c) of this section, such term 15079  
means the full period of unemployment next ensuing after a 15080  
separation from such work and until such individual has become 15081  
reemployed subject to the terms set forth above, and has earned 15082  
wages equal to one-half of the individual's average weekly wage or 15083  
sixty dollars, whichever is less. 15084

(H) If a claimant is disqualified under division (D)(2)(a), 15085  
(c), or (d) of this section or found to be qualified under the 15086  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 15087  
this section or division (A)(2) of section 4141.291 of the Revised 15088  
Code, then benefits that may become payable to such claimant, 15089  
which are chargeable to the account of the employer from whom the 15090  
individual was separated under such conditions, shall be charged 15091  
to the mutualized account provided in section 4141.25 of the 15092  
Revised Code, provided that no charge shall be made to the 15093  
mutualized account for benefits chargeable to a reimbursing 15094  
employer, except as provided in division (D)(2) of section 4141.24 15095  
of the Revised Code. In the case of a reimbursing employer, the 15096  
director shall refund or credit to the account of the reimbursing 15097  
employer any over-paid benefits that are recovered under division 15098  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 15099

other states, the United States, or Canada that are subject to 15100  
agreements and arrangements that are established pursuant to 15101  
section 4141.43 of the Revised Code shall be credited or 15102  
reimbursed according to the agreements and arrangements to which 15103  
the chargeable amounts are subject. 15104

(I)(1) Benefits based on service in employment as provided in 15105  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 15106  
shall be payable in the same amount, on the same terms, and 15107  
subject to the same conditions as benefits payable on the basis of 15108  
other service subject to this chapter; except that after December 15109  
31, 1977: 15110

(a) Benefits based on service in an instructional, research, 15111  
or principal administrative capacity in an institution of higher 15112  
education, as defined in division (Y) of section 4141.01 of the 15113  
Revised Code; or for an educational institution as defined in 15114  
division (CC) of section 4141.01 of the Revised Code, shall not be 15115  
paid to any individual for any week of unemployment that begins 15116  
during the period between two successive academic years or terms, 15117  
or during a similar period between two regular but not successive 15118  
terms or during a period of paid sabbatical leave provided for in 15119  
the individual's contract, if the individual performs such 15120  
services in the first of those academic years or terms and has a 15121  
contract or a reasonable assurance that the individual will 15122  
perform services in any such capacity for any such institution in 15123  
the second of those academic years or terms. 15124

(b) Benefits based on service for an educational institution 15125  
or an institution of higher education in other than an 15126  
instructional, research, or principal administrative capacity, 15127  
shall not be paid to any individual for any week of unemployment 15128  
which begins during the period between two successive academic 15129  
years or terms of the employing educational institution or 15130  
institution of higher education, provided the individual performed 15131



those services for the educational institution or institution of 15132  
higher education during the first such academic year or term and, 15133  
there is a reasonable assurance that such individual will perform 15134  
those services for any educational institution or institution of 15135  
higher education in the second of such academic years or terms. 15136

If compensation is denied to any individual for any week 15137  
under division (I)(1)(b) of this section and the individual was 15138  
not offered an opportunity to perform those services for an 15139  
institution of higher education or for an educational institution 15140  
for the second of such academic years or terms, the individual is 15141  
entitled to a retroactive payment of compensation for each week 15142  
for which the individual timely filed a claim for compensation and 15143  
for which compensation was denied solely by reason of division 15144  
(I)(1)(b) of this section. An application for retroactive benefits 15145  
shall be timely filed if received by the director or the 15146  
director's deputy within or prior to the end of the fourth full 15147  
calendar week after the end of the period for which benefits were 15148  
denied because of reasonable assurance of employment. The 15149  
provision for the payment of retroactive benefits under division 15150  
(I)(1)(b) of this section is applicable to weeks of unemployment 15151  
beginning on and after November 18, 1983. The provisions under 15152  
division (I)(1)(b) of this section shall be retroactive to 15153  
September 5, 1982, only if, as a condition for full tax credit 15154  
against the tax imposed by the "Federal Unemployment Tax Act," 53 15155  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 15156  
secretary of labor determines that retroactivity is required by 15157  
federal law. 15158

(c) With respect to weeks of unemployment beginning after 15159  
December 31, 1977, benefits shall be denied to any individual for 15160  
any week which commences during an established and customary 15161  
vacation period or holiday recess, if the individual performs any 15162  
services described in divisions (I)(1)(a) and (b) of this section 15163

in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform any such services in the period immediately following the vacation period or holiday recess.

(d) With respect to any services described in division (I)(1)(a), (b), or (c) of this section, benefits payable on the basis of services in any such capacity shall be denied as specified in division (I)(1)(a), (b), or (c) of this section to any individual who performs such services in an educational institution or institution of higher education while in the employ of an educational service agency. For this purpose, the term "educational service agency" means a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing services to one or more educational institutions or one or more institutions of higher education.

(e) Any individual employed by a county board of developmental disabilities shall be notified by the thirtieth day of April each year if the individual is not to be reemployed the following academic year.

(f) Any individual employed by a school district, other than a municipal school district as defined in section 3311.71 of the Revised Code, shall be notified by the first day of June each year if the individual is not to be reemployed the following academic year.

(2) No disqualification will be imposed, between academic years or terms or during a vacation period or holiday recess under this division, unless the director or the director's deputy has received a statement in writing from the educational institution or institution of higher education that the claimant has a contract for, or a reasonable assurance of, reemployment for the ensuing academic year or term.

(3) If an individual has employment with an educational institution or an institution of higher education and employment with a noneducational employer, during the base period of the individual's benefit year, then the individual may become eligible for benefits during the between-term, or vacation or holiday recess, disqualification period, based on employment performed for the noneducational employer, provided that the employment is sufficient to qualify the individual for benefit rights separately from the benefit rights based on school employment. The weekly benefit amount and maximum benefits payable during a disqualification period shall be computed based solely on the nonschool employment.

(J) Benefits shall not be paid on the basis of employment performed by an alien, unless the alien had been lawfully admitted to the United States for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was otherwise permanently residing in the United States under color of law at the time the services were performed, under section 212(d)(5) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101:

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence that the individual had not, in fact, been lawfully admitted to the United States.

(K) The director shall establish and utilize a system of profiling all new claimants under this chapter that:

(1) Identifies which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment;	15227 15228 15229
(2) Refers claimants identified pursuant to division (K)(1) of this section to reemployment services, such as job search assistance services, available under any state or federal law;	15230 15231 15232
(3) Collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimant's subsequent to receiving such services and utilizes such information in making identifications pursuant to division (K)(1) of this section; and	15233 15234 15235 15236 15237
(4) Meets such other requirements as the United States secretary of labor determines are appropriate.	15238 15239
(L) Except as otherwise provided in division (A)(6) of this section, ineligibility pursuant to division (A) of this section shall begin on the first day of the week in which the claimant becomes ineligible for benefits and shall end on the last day of the week preceding the week in which the claimant satisfies the eligibility requirements.	15240 15241 15242 15243 15244 15245
(M) The director may adopt rules that the director considers necessary for the administration of division (A) of this section.	15246 15247
<b>Sec. 4141.35.</b> (A) If the director of job and family services finds that any fraudulent misrepresentation has been made by an applicant for or a recipient of benefits with the object of obtaining benefits to which the applicant or recipient was not entitled, and in addition to any other penalty or forfeiture under this chapter, then the director:	15248 15249 15250 15251 15252 15253
(1) Shall within four years after the end of the benefit year in which the fraudulent misrepresentation was made reject or cancel such person's entire weekly claim for benefits that was	15254 15255 15256

fraudulently claimed, or the person's entire benefit rights if the 15257  
misrepresentation was in connection with the filing of the 15258  
claimant's application for determination of benefit rights; 15259

(2) Shall by order declare that, for each application for 15260  
benefit rights and for each weekly claim canceled, such person 15261  
shall be ineligible for two otherwise valid weekly claims for 15262  
benefits, claimed within six years subsequent to the discovery of 15263  
such misrepresentation; 15264

(3) By order shall require that the total amount of benefits 15265  
rejected or canceled under division (A)(1) of this section be 15266  
repaid to the director before such person may become eligible for 15267  
further benefits, and shall withhold such unpaid sums from future 15268  
benefit payments accruing and otherwise payable to such claimant. 15269  
Effective with orders issued on or after January 1, 1993, if such 15270  
benefits are not repaid within thirty days after the director's 15271  
order becomes final, interest on the amount remaining unpaid shall 15272  
be charged to the person at a rate and calculated in the same 15273  
manner as provided under section 4141.23 of the Revised Code. When 15274  
a person ordered to repay benefits has repaid all overpaid 15275  
benefits according to a plan approved by the director, the 15276  
director may cancel the amount of interest that accrued during the 15277  
period of the repayment plan. The director may take action in any 15278  
court of competent jurisdiction to collect benefits and interest 15279  
as provided in sections 4141.23 and 4141.27 of the Revised Code, 15280  
in regard to the collection of unpaid contributions, using the 15281  
final repayment order as the basis for such action. Except as 15282  
otherwise provided in this division, no administrative or legal 15283  
proceedings for the collection of such benefits or interest due, 15284  
or for the collection of a penalty under division (A)(4) of this 15285  
section, shall be initiated after the expiration of six years from 15286  
the date on which the director's order requiring repayment became 15287  
final and the amount of any benefits, penalty, or interest not 15288

recovered at that time, and any liens thereon, shall be canceled 15289  
as uncollectible. The time limit for instituting proceedings shall 15290  
be extended by the period of any stay to the collection or by any 15291  
other time period to which the parties mutually agree. 15292

(4) Shall, for findings made on or after October 21, 2013, by 15293  
order assess a mandatory penalty on such a person in an amount 15294  
equal to twenty-five per cent of the total amount of benefits 15295  
rejected or canceled under division (A)(1) of this section. The 15296  
first sixty per cent of each penalty collected under division 15297  
(A)(4) of this section shall be deposited into the unemployment 15298  
compensation fund created under section 4141.09 of the Revised 15299  
Code, ~~and the~~ and shall be credited to the mutualized account, as 15300  
provided in division (B)(2)(g) of section 4141.25 of the Revised 15301  
Code. The remainder of each penalty collected shall be deposited 15302  
into the unemployment compensation special administrative fund 15303  
created under section 4141.11 of the Revised Code. 15304

(5) May take action to collect benefits fraudulently obtained 15305  
under the unemployment compensation law of any other state or the 15306  
United States or Canada. Such action may be initiated in the 15307  
courts of this state in the same manner as provided for unpaid 15308  
contributions in section 4141.41 of the Revised Code. 15309

(6) May take action to collect benefits that have been 15310  
fraudulently obtained from the director, interest pursuant to 15311  
division (A)(3) of this section, and court costs, through 15312  
attachment proceedings under Chapter 2715. of the Revised Code and 15313  
garnishment proceedings under Chapter 2716. of the Revised Code. 15314

(B) If the director finds that an applicant for benefits has 15315  
been credited with a waiting period or paid benefits to which the 15316  
applicant was not entitled for reasons other than fraudulent 15317  
misrepresentation, the director shall: 15318

(1)(a) Within six months after the determination under which 15319

the claimant was credited with that waiting period or paid 15320  
benefits becomes final pursuant to section 4141.28 of the Revised 15321  
Code, or within three years after the end of the benefit year in 15322  
which such benefits were claimed, whichever is later, by order 15323  
cancel such waiting period and require that such benefits be 15324  
repaid to the director or be withheld from any benefits to which 15325  
such applicant is or may become entitled before any additional 15326  
benefits are paid, provided that the repayment or withholding 15327  
shall not be required where the overpayment is the result of the 15328  
director's correcting a prior decision due to a typographical or 15329  
clerical error in the director's prior decision, or an error in an 15330  
employer's report under division (G) of section 4141.28 of the 15331  
Revised Code. 15332

(b) The limitation specified in division (B)(1)(a) of this 15333  
section shall not apply to cases involving the retroactive payment 15334  
of remuneration covering periods for which benefits were 15335  
previously paid to the claimant. However, in such cases, the 15336  
director's order requiring repayment shall not be issued unless 15337  
the director is notified of such retroactive payment within six 15338  
months from the date the retroactive payment was made to the 15339  
claimant. 15340

(2) The director may, by reciprocal agreement with the United 15341  
States secretary of labor or another state, recover overpayment 15342  
amounts from unemployment benefits otherwise payable to an 15343  
individual under Chapter 4141. of the Revised Code. Any 15344  
overpayments made to the individual that have not previously been 15345  
recovered under an unemployment benefit program of the United 15346  
States may be recovered in accordance with section 303(g) of the 15347  
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 15348  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 15349  
3301 to 3311. 15350

(3) If the amounts required to be repaid under division (B) 15351

of this section are not recovered within three years from the date 15352  
the director's order requiring payment became final, initiate no 15353  
further action to collect such benefits and the amount of any 15354  
benefits not recovered at that time shall be canceled as 15355  
uncollectible, provided that the time limit for collection shall 15356  
be extended by the period of any stay to the collection or by any 15357  
other time period to which the parties mutually agree. 15358

(C) The appeal provisions of sections 4141.281 and 4141.282 15359  
of the Revised Code shall apply to all orders and determinations 15360  
issued under this section, except that an individual's right of 15361  
appeal under division (B)(2) of this section shall be limited to 15362  
this state's authority to recover overpayment of benefits. 15363

(D) If an individual makes a full repayment or a repayment 15364  
that is less than the full amount required by this section, the 15365  
director shall apply the repayment to the mutualized account under 15366  
division (B) of section 4141.25 of the Revised Code, except that 15367  
the director shall credit the repayment to the accounts of the 15368  
individual's base period employers that previously have not been 15369  
credited for the amount of improperly paid benefits charged 15370  
against their accounts based on the proportion of benefits charged 15371  
against the accounts as determined pursuant to division (D) of 15372  
section 4141.24 of the Revised Code. 15373

The director shall deposit any repayment collected under this 15374  
section that the director determines to be payment of interest or 15375  
court costs into the unemployment compensation special 15376  
administrative fund established pursuant to section 4141.11 of the 15377  
Revised Code. 15378

This division does not apply to ~~federal~~ any of the following: 15379

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 15380

(2) Unclaimed fund recoveries under section 131.024 of the 15381  
Revised Code; 15382



<u>(3) Lottery award offsets under section 3770.073 of the Revised Code;</u>	15383
	15384
<u>(4) State tax refund offsets under section 5747.12 of the Revised Code.</u>	15385
	15386
<b>Sec. 4303.021.</b> (A) Permit A-1-A may be issued to the holder	15387
of an A-1, A-1c, or A-2 permit to sell beer and any intoxicating	15388
liquor at retail, only by the individual drink in glass or from a	15389
container, provided that one of the following applies to the A-1-A	15390
permit premises:	15391
(1) It is situated on the same parcel or tract of land as the	15392
related A-1, A-1c, or A-2 manufacturing permit premises.	15393
(2) It is separated from the parcel or tract of land on which	15394
is located the A-1, A-1c, or A-2 manufacturing permit premises	15395
only by public streets or highways or by other lands owned by the	15396
holder of the A-1, A-1c, or A-2 permit and used by the holder in	15397
connection with or in promotion of the holder's A-1, A-1c, or A-2	15398
permit business.	15399
(3) It is situated on a parcel or tract of land that is not	15400
more than one-half mile from the A-1, A-1c, or A-2 manufacturing	15401
permit premises.	15402
(B) The fee for this permit is three thousand nine hundred	15403
six dollars.	15404
(C)(1) The holder of an A-1-A permit may sell beer and any	15405
intoxicating liquor during the same hours as the holders of D-5	15406
permits under this chapter or Chapter 4301. of the Revised Code or	15407
the rules of the liquor control commission and shall obtain a	15408
license as a retail food establishment or a food service operation	15409
pursuant to Chapter 3717. of the Revised Code and operate as a	15410
restaurant for purposes of this chapter.	15411
<u>(2) If a permit A-1-A is issued to the holder of an A-1 or</u>	15412

A-1c permit, the A-1-A permit holder may sell beer at the A-1-A permit premises dispensed in glass containers with a capacity that does not exceed one gallon and not for consumption on the premises where sold if all of the following apply: 15413  
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(a) The A-1-A permit premises is situated in the same municipal corporation or township as the related A-1 or A-1c manufacturing permit premises. 15417  
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(b) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code. 15420  
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(c) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code. 15423  
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(D) Except as otherwise provided in this section, ~~no~~ the division of liquor control shall not issue a new A-1-A permit shall be issued to the holder of an A-1, A-1c, or A-2 permit unless the sale of beer and intoxicating liquor under class D permits is permitted in the precinct in which the A-1, A-1c, or A-2 permit is located and, in the case of an A-2 permit, unless the holder of the A-2 permit manufactures or has a storage capacity of at least twenty-five thousand gallons of wine per year. The immediately preceding sentence does not prohibit the issuance of an A-1-A permit to an applicant for such a permit who is the holder of an A-1 permit and whose application was filed with the division of liquor control before June 1, 1994. The liquor control commission shall not restrict the number of A-1-A permits which may be located within a precinct. 15426  
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**Sec. 4503.102.** (A) The registrar of motor vehicles shall adopt rules to establish a centralized system of motor vehicle registration renewal by mail or by electronic means. Any person owning a motor vehicle that was registered in the person's name 15440  
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during the preceding registration year shall renew the 15444  
registration of the motor vehicle not more than ninety days prior 15445  
to the expiration date of the registration either by mail or by 15446  
electronic means through the centralized system of registration 15447  
established under this section, or in person at any office of the 15448  
registrar or at a deputy registrar's office. 15449

(B)(1) No less than forty-five days prior to the expiration 15450  
date of any motor vehicle registration, the registrar shall mail a 15451  
renewal notice to the person in whose name the motor vehicle is 15452  
registered. The renewal notice shall clearly state that the 15453  
registration of the motor vehicle may be renewed by mail or 15454  
electronic means through the centralized system of registration or 15455  
in person at any office of the registrar or at a deputy 15456  
registrar's office and shall be preprinted with information 15457  
including, but not limited to, the owner's name and residence 15458  
address as shown in the records of the bureau of motor vehicles, a 15459  
brief description of the motor vehicle to be registered, notice of 15460  
the license taxes and fees due on the motor vehicle, the toll-free 15461  
telephone number of the registrar as required under division 15462  
(D)(1) of section 4503.031 of the Revised Code, and any additional 15463  
information the registrar may require by rule. The renewal notice 15464  
shall not include the social security number of either the owner 15465  
of the motor vehicle or the person in whose name the motor vehicle 15466  
is registered. The renewal notice shall be sent by regular mail to 15467  
the owner's last known address as shown in the records of the 15468  
bureau of motor vehicles. 15469

(2) If the application for renewal of the registration of a 15470  
motor vehicle is prohibited from being accepted by the registrar 15471  
or a deputy registrar by division (D) of section 2935.27, division 15472  
(A) of section 2937.221, division (A) of section 4503.13, division 15473  
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 15474  
the Revised Code, the registrar is not required to send a renewal 15475

notice to the vehicle owner or vehicle lessee. 15476

(C) The owner of the motor vehicle shall verify the 15477  
information contained in the notice, sign it either manually or by 15478  
electronic means, and return it, either by mail or electronic 15479  
means, or the owner may take it in person to any office of the 15480  
registrar or of a deputy registrar, together with a financial 15481  
transaction device number, ~~when permitted by rule of the~~ 15482  
~~registrar,~~ check, or money order in the amount of the registration 15483  
taxes and fees payable on the motor vehicle and a mail fee of ~~two~~ 15484  
~~dollars and seventy five cents commencing on July 1, 2001, three~~ 15485  
~~dollars and twenty five cents commencing on January 1, 2003, and~~ 15486  
three dollars and fifty cents ~~commencing on January 1, 2004,~~ plus 15487  
postage as indicated on the notice, if the registration is renewed 15488  
by mail, and an inspection certificate for the motor vehicle as 15489  
provided in section 3704.14 of the Revised Code. If the motor 15490  
vehicle owner chooses to renew the motor vehicle registration by 15491  
electronic means, the owner shall proceed in accordance with the 15492  
rules the registrar adopts. 15493

(D) If all registration and transfer fees for the motor 15494  
vehicle for the preceding year or the preceding period of the 15495  
current registration year have not been paid, if division (D) of 15496  
section 2935.27, division (A) of section 2937.221, division (A) of 15497  
section 4503.13, division (B) of section 4510.22, or division 15498  
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 15499  
of the renewal notice, or if the owner or lessee does not have an 15500  
inspection certificate for the motor vehicle as provided in 15501  
section 3704.14 of the Revised Code, if that section is 15502  
applicable, the license shall be refused, and the registrar or 15503  
deputy registrar shall so notify the owner. This section does not 15504  
require the payment of license or registration taxes on a motor 15505  
vehicle for any preceding year, or for any preceding period of a 15506  
year, if the motor vehicle was not taxable for that preceding year 15507

or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 15508  
4503.16 or Chapter 4504. of the Revised Code. 15509

(E)(1) Failure to receive a renewal notice does not relieve a 15510  
motor vehicle owner from the responsibility to renew the 15511  
registration for the motor vehicle. Any person who has a motor 15512  
vehicle registered in this state and who does not receive a 15513  
renewal notice as provided in division (B) of this section prior 15514  
to the expiration date of the registration shall request an 15515  
application for registration from the registrar or a deputy 15516  
registrar and sign the application manually or by electronic means 15517  
and submit the application and pay any applicable license taxes 15518  
and fees to the registrar or deputy registrar. 15519

(2) If the owner of a motor vehicle submits an application 15520  
for registration and the registrar is prohibited by division (D) 15521  
of section 2935.27, division (A) of section 2937.221, division (A) 15522  
of section 4503.13, division (B) of section 4510.22, or division 15523  
(B)(1) of section 4521.10 of the Revised Code from accepting the 15524  
application, the registrar shall return the application and the 15525  
payment to the owner. If the owner of a motor vehicle submits a 15526  
registration renewal application to the registrar by electronic 15527  
means and the registrar is prohibited from accepting the 15528  
application as provided in this division, the registrar shall 15529  
notify the owner of this fact and deny the application and return 15530  
the payment or give a credit on the financial transaction device 15531  
account of the owner in the manner the registrar prescribes by 15532  
rule adopted pursuant to division (A) of this section. 15533

(F) Every deputy registrar shall post in a prominent place at 15534  
the deputy's office a notice informing the public of the mail 15535  
registration system required by this section and also shall post a 15536  
notice that every owner of a motor vehicle and every chauffeur 15537  
holding a certificate of registration is required to notify the 15538  
registrar in writing of any change of residence within ten days 15539

after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

(G) ~~The two dollars and seventy five cents fee collected from July 1, 2001, through December 31, 2002, the three dollars and twenty five cents fee collected from January 1, 2003, through December 31, 2003, and the three dollars and fifty cents fee collected after January 1, 2004, plus postage and any financial transaction device surcharge collected by the registrar for registration by mail, shall be paid to the credit of the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.~~

(H)(1) Pursuant to section 113.40 of the Revised Code, the registrar ~~may~~ shall implement a program permitting payment of charges in excess of ten dollars for motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a financial transaction device. The registrar ~~may~~ shall adopt rules as necessary for this purpose.

(2) Commencing with deputy registrar contract awards that have a start date of July 1, ~~2008~~ 2014, and for all contract awards thereafter, the registrar shall ~~incorporate in the review process a score for whether or not a proposer states~~ require that the proposer ~~will~~ accept payment by means of a financial transaction device, including credit cards and debit cards, for ~~all~~ department of public safety transactions conducted at that deputy registrar location that are in excess of ten dollars.

~~A deputy registrar shall not be required to accept payment by means of a financial transaction device unless the deputy registrar agreed to do so in the deputy registrar's contract. The bureau shall not be required to pay any costs incurred by a deputy registrar who accepts payment by means of a financial transaction device that result from the deputy registrar accepting payment by~~

~~means of a financial transaction device.~~ 15572

(3) A In accordance with division (H)(1) of this section and 15573  
rules adopted by the registrar, a county auditor or clerk of a 15574  
court of common pleas that is designated a deputy registrar ~~may~~ 15575  
~~choose to~~ shall accept payment by means of a financial transaction 15576  
device, including credit cards and debit cards, for ~~all~~ department 15577  
of public safety transactions that are in excess of ten dollars 15578  
and are conducted at the office of the county auditor or clerk in 15579  
the county auditor's or clerk's capacity as deputy registrar. ~~The~~ 15580  
~~bureau shall not be required to pay any costs incurred by a county~~ 15581  
~~auditor who accepts payment by means of a financial transaction~~ 15582  
~~device that result from the county auditor accepting payment by~~ 15583  
~~means of a financial transaction device for any such department of~~ 15584  
~~public safety transaction.~~ 15585

(I) For persons who reside in counties where tailpipe 15586  
emissions inspections are required under the motor vehicle 15587  
inspection and maintenance program, the notice required by 15588  
division (B) of this section shall also include the toll-free 15589  
telephone number maintained by the Ohio environmental protection 15590  
agency to provide information concerning the locations of 15591  
emissions testing centers. 15592

**Sec. 4503.44.** (A) As used in this section and in section 15593  
4511.69 of the Revised Code: 15594

(1) "Person with a disability that limits or impairs the 15595  
ability to walk" means any person who, as determined by a health 15596  
care provider, meets any of the following criteria: 15597

(a) Cannot walk two hundred feet without stopping to rest; 15598

(b) Cannot walk without the use of, or assistance from, a 15599  
brace, cane, crutch, another person, prosthetic device, 15600  
wheelchair, or other assistive device; 15601

(c) Is restricted by a lung disease to such an extent that 15602  
the person's forced (respiratory) expiratory volume for one 15603  
second, when measured by spirometry, is less than one liter, or 15604  
the arterial oxygen tension is less than sixty millimeters of 15605  
mercury on room air at rest; 15606

(d) Uses portable oxygen; 15607

(e) Has a cardiac condition to the extent that the person's 15608  
functional limitations are classified in severity as class III or 15609  
class IV according to standards set by the American heart 15610  
association; 15611

(f) Is severely limited in the ability to walk due to an 15612  
arthritic, neurological, or orthopedic condition; 15613

(g) Is blind, legally blind, or severely visually impaired. 15614

(2) "Organization" means any private organization or 15615  
corporation, or any governmental board, agency, department, 15616  
division, or office, that, as part of its business or program, 15617  
transports persons with disabilities that limit or impair the 15618  
ability to walk on a regular basis in a motor vehicle that has not 15619  
been altered for the purpose of providing it with special 15620  
equipment for use by persons with disabilities. This definition 15621  
does not apply to division ~~(J)~~(I) of this section. 15622

(3) "Health care provider" means a physician, physician 15623  
assistant, advanced practice registered nurse, optometrist, or 15624  
chiropractor as defined in this section except that an optometrist 15625  
shall only make determinations as to division (A)(1)(g) of this 15626  
section. 15627

(4) "Physician" means a person licensed to practice medicine 15628  
or surgery or osteopathic medicine and surgery under Chapter 4731. 15629  
of the Revised Code. 15630

(5) "Chiropractor" means a person licensed to practice 15631



chiropractic under Chapter 4734. of the Revised Code. 15632

(6) "Advanced practice registered nurse" means a certified 15633  
nurse practitioner, clinical nurse specialist, certified 15634  
registered nurse anesthetist, or certified nurse-midwife who holds 15635  
a certificate of authority issued by the board of nursing under 15636  
Chapter 4723. of the Revised Code. 15637

(7) "Physician assistant" means a person who holds a 15638  
certificate to practice as a physician assistant issued under 15639  
Chapter 4730. of the Revised Code. 15640

(8) "Optometrist" means a person licensed to engage in the 15641  
practice of optometry under Chapter 4725. of the Revised Code. 15642

(B) ~~Any (1) An organization, or a person with a disability 15643  
that limits or impairs the ability to walk may apply to the 15644  
registrar of motor vehicles for a removable windshield placard or, 15645  
if the person owns or leases a motor vehicle, the person, may 15646  
apply for the registration of any motor vehicle the organization 15647  
or person owns or leases. In addition to one or more sets of 15648  
license plates or one placard, a person with a disability that 15649  
limits or impairs the ability to walk is entitled to one 15650  
additional placard, but only if the person applies separately for 15651  
the additional placard, states the reasons why the additional 15652  
placard is needed, and the registrar, in the registrar's 15653  
discretion, determines that good and justifiable cause exists to 15654  
approve the request for the additional placard. When a motor 15655  
vehicle has been altered for the purpose of providing it with 15656  
special equipment for a person with a disability that limits or 15657  
impairs the ability to walk, but is owned or leased by someone 15658  
other than such a person, the owner or lessee may apply to the 15659  
registrar or a deputy registrar for registration under this 15660  
section. The application for registration of a motor vehicle owned 15661  
or leased by a person with a disability that limits or impairs the 15662  
ability to walk shall be accompanied by a signed statement from 15663~~

the applicant's health care provider certifying that the applicant 15664  
meets at least one of the criteria contained in division (A)(1) of 15665  
this section and that the disability is expected to continue for 15666  
more than six consecutive months. ~~The application for a removable 15667~~  
~~windshield placard made by a person with a disability that limits 15668~~  
~~or impairs the ability to walk shall be accompanied by a 15669~~  
~~prescription from the applicant's health care provider prescribing 15670~~  
~~such a placard for the applicant, provided that the applicant 15671~~  
~~meets at least one of the criteria contained in division (A)(1) of 15672~~  
~~this section. The health care provider shall state on the 15673~~  
~~prescription the length of time the health care provider expects 15674~~  
~~the applicant to have the disability that limits or impairs the 15675~~  
~~applicant's ability to walk. The application for a removable 15676~~  
~~windshield placard made by an organization shall be accompanied by 15677~~  
~~such documentary evidence of regular transport of persons with 15678~~  
~~disabilities that limit or impair the ability to walk by the 15679~~  
~~organization as the registrar may require by rule and shall be 15680~~  
~~completed in accordance with procedures that the registrar may 15681~~  
~~require by rule. The application for registration of a motor 15682~~  
vehicle that has been altered for the purpose of providing it with 15683  
special equipment for a person with a disability that limits or 15684  
impairs the ability to walk but is owned by someone other than 15685  
such a person shall be accompanied by such documentary evidence of 15686  
vehicle alterations as the registrar may require by rule. 15687

~~(C)(2)~~ When an organization, a person with a disability that 15688  
limits or impairs the ability to walk, or a person who does not 15689  
have a disability that limits or impairs the ability to walk but 15690  
owns a motor vehicle that has been altered for the purpose of 15691  
providing it with special equipment for a person with a disability 15692  
that limits or impairs the ability to walk first submits an 15693  
application for registration of a motor vehicle under this section 15694  
and every fifth year thereafter, the organization or person shall 15695  
submit a signed statement from the applicant's health care 15696

provider, a completed application, and any required documentary 15697  
evidence of vehicle alterations as provided in division (B)(1) of 15698  
this section, and also a power of attorney from the owner of the 15699  
motor vehicle if the applicant leases the vehicle. Upon submission 15700  
of these items, the registrar or deputy registrar shall issue to 15701  
the applicant appropriate vehicle registration and a set of 15702  
license plates and validation stickers, or validation stickers 15703  
alone when required by section 4503.191 of the Revised Code. In 15704  
addition to the letters and numbers ordinarily inscribed thereon, 15705  
the license plates shall be imprinted with the international 15706  
symbol of access. The license plates and validation stickers shall 15707  
be issued upon payment of the regular license fee as prescribed 15708  
under section 4503.04 of the Revised Code and any motor vehicle 15709  
tax levied under Chapter 4504. of the Revised Code, and the 15710  
payment of a service fee equal to the amount specified in division 15711  
(D) or (G) of section 4503.10 of the Revised Code. 15712

~~(D)~~(C)(1) A person with a disability that limits or impairs 15713  
the ability to walk may apply to the registrar of motor vehicles 15714  
for a removable windshield placard by completing and signing an 15715  
application provided by the registrar. The person shall include 15716  
with the application a prescription from the person's health care 15717  
provider prescribing such a placard for the person based upon a 15718  
determination that the person meets at least one of the criteria 15719  
contained in division (A)(1) of this section. The health care 15720  
provider shall state on the prescription the length of time the 15721  
health care provider expects the applicant to have the disability 15722  
that limits or impairs the person's ability to walk. 15723

In addition to one placard or one or more sets of license 15724  
plates, a person with a disability that limits or impairs the 15725  
ability to walk is entitled to one additional placard, but only if 15726  
the person applies separately for the additional placard, states 15727  
the reasons why the additional placard is needed, and the 15728

registrar, in the registrar's discretion determines that good and 15729  
justifiable cause exists to approve the request for the additional 15730  
placard. 15731

(2) An organization may apply to the registrar of motor 15732  
vehicles for a removable windshield placard by completing and 15733  
signing an application provided by the registrar. The organization 15734  
shall comply with any procedures the registrar establishes by 15735  
rule. The organization shall include with the application 15736  
documentary evidence that the registrar requires by rule showing 15737  
that the organization regularly transports persons with 15738  
disabilities that limit or impair the ability to walk. 15739

(3) Upon receipt of a completed and signed application for a 15740  
removable windshield placard, a prescription as described in 15741  
division (B) of this section, documentary evidence of regular 15742  
transport of persons with disabilities that limit or impair the 15743  
ability to walk, if required the accompanying documents required 15744  
under division (C)(1) or (2) of this section, and payment of a 15745  
service fee equal to the amount specified in division (D) or (G) 15746  
of section 4503.10 of the Revised Code, the registrar or deputy 15747  
registrar shall issue to the applicant a removable windshield 15748  
placard, which shall bear the date of expiration on both sides of 15749  
the placard and shall be valid until expired, revoked, or 15750  
surrendered. Every removable windshield placard expires as 15751  
described in division ~~(D)~~(2)(C)(4) of this section, but in no case 15752  
shall a removable windshield placard be valid for a period of less 15753  
than sixty days. Removable windshield placards shall be renewable 15754  
upon application as provided in division ~~(B)~~(C)(1) or (2) of this 15755  
section, and upon payment of a service fee equal to the amount 15756  
specified in division (D) or (G) of section 4503.10 of the Revised 15757  
Code shall be charged for the renewal of a removable windshield 15758  
placard. The registrar shall provide the application form and 15759  
shall determine the information to be included thereon. The 15760

registrar also shall determine the form and size of the removable 15761  
windshield placard, the material of which it is to be made, and 15762  
any other information to be included thereon, and shall adopt 15763  
rules relating to the issuance, expiration, revocation, surrender, 15764  
and proper display of such placards. Any placard issued after 15765  
October 14, 1999, shall be manufactured in a manner that allows 15766  
the expiration date of the placard to be indicated on it through 15767  
the punching, drilling, boring, or creation by any other means of 15768  
holes in the placard. 15769

~~(2)~~(4) At the time a removable windshield placard is issued 15770  
to a person with a disability that limits or impairs the ability 15771  
to walk, the registrar or deputy registrar shall enter into the 15772  
records of the bureau of motor vehicles the last date on which the 15773  
person will have that disability, as indicated on the accompanying 15774  
prescription. Not less than thirty days prior to that date and all 15775  
removable windshield placard renewal dates, the bureau shall send 15776  
a renewal notice to that person at the person's last known address 15777  
as shown in the records of the bureau, informing the person that 15778  
the person's removable windshield placard will expire on the 15779  
indicated date not to exceed five years from the date of issuance, 15780  
and that the person is required to renew the placard by submitting 15781  
to the registrar or a deputy registrar another prescription, as 15782  
described in division ~~(B)~~(C)(1) or (2) of this section, and by 15783  
complying with the renewal provisions prescribed in division 15784  
~~(D)~~(1)(C)(3) of this section. If such a prescription is not 15785  
received by the registrar or a deputy registrar by that date, the 15786  
placard issued to that person expires and no longer is valid, and 15787  
this fact shall be recorded in the records of the bureau. 15788

~~(3)~~(5) At least once every year, on a date determined by the 15789  
registrar, the bureau shall examine the records of the office of 15790  
vital statistics, located within the department of health, that 15791  
pertain to deceased persons, and also the bureau's records of all 15792

persons who have been issued removable windshield placards and 15793  
temporary removable windshield placards. If the records of the 15794  
office of vital statistics indicate that a person to whom a 15795  
removable windshield placard or temporary removable windshield 15796  
placard has been issued is deceased, the bureau shall cancel that 15797  
placard, and note the cancellation in its records. 15798

The office of vital statistics shall make available to the 15799  
bureau all information necessary to enable the bureau to comply 15800  
with division ~~(D)(3)~~(C)(5) of this section. 15801

~~(4)(6)~~ Nothing in this section shall be construed to require 15802  
a person or organization to apply for a removable windshield 15803  
placard or special license plates if the ~~parking card or~~ special 15804  
license plates issued to the person or organization under prior 15805  
law have not expired or been surrendered or revoked. 15806

~~(E)(D)(1)(a)~~ ~~Any~~ A person with a disability that limits or 15807  
impairs the ability to walk may apply to the registrar or a deputy 15808  
registrar for a temporary removable windshield placard. The 15809  
application for a temporary removable windshield placard shall be 15810  
accompanied by a prescription from the applicant's health care 15811  
provider prescribing such a placard for the applicant, provided 15812  
that the applicant meets at least one of the criteria contained in 15813  
division (A)(1) of this section and that the disability is 15814  
expected to continue for six consecutive months or less. The 15815  
health care provider shall state on the prescription the length of 15816  
time the health care provider expects the applicant to have the 15817  
disability that limits or impairs the applicant's ability to walk, 15818  
which cannot exceed six months from the date of the prescription. 15819  
Upon receipt of an application for a temporary removable 15820  
windshield placard, presentation of the prescription from the 15821  
applicant's health care provider, and payment of a service fee 15822  
equal to the amount specified in division (D) or (G) of section 15823  
4503.10 of the Revised Code, the registrar or deputy registrar 15824

shall issue to the applicant a temporary removable windshield placard. 15825  
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(b) Any active-duty member of the armed forces of the United States, including the reserve components of the armed forces and the national guard, who has an illness or injury that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. With the application, the person shall present evidence of the person's active-duty status and the illness or injury. Evidence of the illness or injury may include a current department of defense convalescent leave statement, any department of defense document indicating that the person currently has an ill or injured casualty status or has limited duties, or a prescription from any health care provider prescribing the placard for the applicant. Upon receipt of the application and the necessary evidence, the registrar or deputy registrar shall issue the applicant the temporary removable windshield placard without the payment of any service fee. 15827  
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(2) The temporary removable windshield placard shall be of the same size and form as the removable windshield placard, shall be printed in white on a red-colored background, and shall bear the word "temporary" in letters of such size as the registrar shall prescribe. A temporary removable windshield placard also shall bear the date of expiration on the front and back of the placard, and shall be valid until expired, surrendered, or revoked, but in no case shall such a placard be valid for a period of less than sixty days. The registrar shall provide the application form and shall determine the information to be included on it, provided that the registrar shall not require a health care provider's prescription or certification for a person applying under division ~~(E)~~(D)(1)(b) of this section. The registrar also shall determine the material of which the temporary 15843  
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removable windshield placard is to be made and any other 15857  
information to be included on the placard and shall adopt rules 15858  
relating to the issuance, expiration, surrender, revocation, and 15859  
proper display of those placards. Any temporary removable 15860  
windshield placard issued after October 14, 1999, shall be 15861  
manufactured in a manner that allows for the expiration date of 15862  
the placard to be indicated on it through the punching, drilling, 15863  
boring, or creation by any other means of holes in the placard. 15864

~~(F)~~(E) If an applicant for a removable windshield placard is 15865  
a veteran of the armed forces of the United States whose 15866  
disability, as defined in division (A)(1) of this section, is 15867  
service-connected, the registrar or deputy registrar, upon receipt 15868  
of the application, presentation of a signed statement from the 15869  
applicant's health care provider certifying the applicant's 15870  
disability, and presentation of such documentary evidence from the 15871  
department of veterans affairs that the disability of the 15872  
applicant meets at least one of the criteria identified in 15873  
division (A)(1) of this section and is service-connected as the 15874  
registrar may require by rule, but without the payment of any 15875  
service fee, shall issue the applicant a removable windshield 15876  
placard that is valid until expired, surrendered, or revoked. 15877

~~(G)~~(F) Upon a conviction of a violation of division (H) or 15878  
(I), ~~(J)~~, or ~~(K)~~ of this section, the court shall report the 15879  
conviction, and send the placard ~~or parking card~~, if available, to 15880  
the registrar, who thereupon shall revoke the privilege of using 15881  
the placard ~~or parking card~~ and send notice in writing to the 15882  
placardholder ~~or cardholder~~ at that holder's last known address as 15883  
shown in the records of the bureau, and the placardholder ~~or~~ 15884  
~~cardholder~~ shall return the placard ~~or card~~ if not previously 15885  
surrendered to the court, to the registrar within ten days 15886  
following mailing of the notice. 15887

Whenever a person to whom a removable windshield placard ~~or~~ 15888



~~parking card~~ has been issued moves to another state, the person 15889  
shall surrender the placard ~~or card~~ to the registrar; and whenever 15890  
an organization to which a placard ~~or card~~ has been issued changes 15891  
its place of operation to another state, the organization shall 15892  
surrender the placard ~~or card~~ to the registrar. 15893

~~(H)~~(G) Subject to division (F) of section 4511.69 of the 15894  
Revised Code, the operator of a motor vehicle displaying a 15895  
removable windshield placard, temporary removable windshield 15896  
placard, ~~parking card~~, or the special license plates authorized by 15897  
this section is entitled to park the motor vehicle in any special 15898  
parking location reserved for persons with disabilities that limit 15899  
or impair the ability to walk, also known as handicapped parking 15900  
spaces or disability parking spaces. 15901

~~(I)~~(H) No person or organization that is not eligible for the 15902  
issuance of license plates or any placard under ~~division (B) or~~ 15903  
~~(E)~~ of this section shall willfully and falsely represent that the 15904  
person or organization is so eligible. 15905

No person or organization shall display license plates issued 15906  
under this section unless the license plates have been issued for 15907  
the vehicle on which they are displayed and are valid. 15908

~~(J)~~(I) No person or organization to which a removable 15909  
windshield placard or temporary removable windshield placard is 15910  
issued shall do either of the following: 15911

(1) Display or permit the display of the placard on any motor 15912  
vehicle when having reasonable cause to believe the motor vehicle 15913  
is being used in connection with an activity that does not include 15914  
providing transportation for persons with disabilities that limit 15915  
or impair the ability to walk; 15916

(2) Refuse to return or surrender the placard, when required. 15917

~~(K)(1) No person or organization to which a parking card is~~ 15918  
~~issued shall do either of the following:~~ 15919

<del>(a) Display or permit the display of the parking card on any</del>	15920
<del>motor vehicle when having reasonable cause to believe the motor</del>	15921
<del>vehicle is being used in connection with an activity that does not</del>	15922
<del>include providing transportation for a person with a disability;</del>	15923
<del>(b) Refuse to return or surrender the parking card, when</del>	15924
<del>required.</del>	15925
<del>(2) As used in division (K) of this section:</del>	15926
<del>(a) "Person with a disability" means any person who has lost</del>	15927
<del>the use of one or both legs or one or both arms, who is blind,</del>	15928
<del>deaf, or so severely disabled as to be unable to move about</del>	15929
<del>without the aid of crutches or a wheelchair, or whose mobility is</del>	15930
<del>restricted by a permanent cardiovascular, pulmonary, or other</del>	15931
<del>disabling condition.</del>	15932
<del>(b) "Organization" means any private organization or</del>	15933
<del>corporation, or any governmental board, agency, department,</del>	15934
<del>division, or office, that, as part of its business or program,</del>	15935
<del>transports persons with disabilities on a regular basis in a motor</del>	15936
<del>vehicle that has not been altered for the purposes of providing it</del>	15937
<del>with special equipment for use by persons with disabilities.</del>	15938
<del>(I)(J) If a removable windshield placard, temporary removable</del>	15939
<del>windshield placard, or parking card is lost, destroyed, or</del>	15940
<del>mutilated, the placardholder or cardholder may obtain a duplicate</del>	15941
<del>by doing both of the following:</del>	15942
<del>(1) Furnishing suitable proof of the loss, destruction, or</del>	15943
<del>mutilation to the registrar;</del>	15944
<del>(2) Paying a service fee equal to the amount specified in</del>	15945
<del>division (D) or (G) of section 4503.10 of the Revised Code.</del>	15946
<del>Any placardholder or cardholder who loses a placard or card</del>	15947
<del>and, after obtaining a duplicate, finds the original, immediately</del>	15948
<del>shall surrender the original placard or card to the registrar.</del>	15949

~~(M)~~(K)(1) The registrar shall pay all fees received under 15950  
this section for the issuance of removable windshield placards or 15951  
temporary removable windshield placards or duplicate removable 15952  
windshield placards or cards into the state treasury to the credit 15953  
of the state bureau of motor vehicles fund created in section 15954  
4501.25 of the Revised Code. 15955

~~(N)~~(2) In addition to the fees collected under this section, 15956  
the registrar or deputy registrar shall ask each person applying 15957  
for a removable windshield placard or temporary removable 15958  
windshield placard or duplicate removable windshield placard or 15959  
license plate issued under this section, whether the person wishes 15960  
to make a two-dollar voluntary contribution to support 15961  
rehabilitation employment services. The registrar shall transmit 15962  
the contributions received under this division to the treasurer of 15963  
state for deposit into the rehabilitation employment fund, which 15964  
is hereby created in the state treasury. A deputy registrar shall 15965  
transmit the contributions received under this division to the 15966  
registrar in the time and manner prescribed by the registrar. The 15967  
contributions in the fund shall be used by the opportunities for 15968  
Ohioans with disabilities agency to purchase services related to 15969  
vocational evaluation, work adjustment, personal adjustment, job 15970  
placement, job coaching, and community-based assessment from 15971  
accredited community rehabilitation program facilities. 15972

~~(O)~~(L) For purposes of enforcing this section, every peace 15973  
officer is deemed to be an agent of the registrar. Any peace 15974  
officer or any authorized employee of the bureau of motor vehicles 15975  
who, in the performance of duties authorized by law, becomes aware 15976  
of a person whose placard or parking card has been revoked 15977  
pursuant to this section, may confiscate that placard or parking 15978  
card and return it to the registrar. The registrar shall prescribe 15979  
any forms used by law enforcement agencies in administering this 15980  
section. 15981

No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the bureau is liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section. As used in this division, "peace officer" has the same meaning as in division (B) of section 2935.01 of the Revised Code.

~~(P)~~(M) All applications for registration of motor vehicles, removable windshield placards, and temporary removable windshield placards issued under this section, all renewal notices for such items, and all other publications issued by the bureau that relate to this section shall set forth the criminal penalties that may be imposed upon a person who violates any provision relating to special license plates issued under this section, the parking of vehicles displaying such license plates, and the issuance, procurement, use, and display of removable windshield placards and temporary removable windshield placards issued under this section.

~~(Q)~~(N) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

**Sec. 4511.191.** (A)(1) As used in this section: 16001

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code. 16002  
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(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense. 16004  
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(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested 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.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests 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 and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised

Code, the law enforcement officer shall request the person to 16045  
submit, and the person shall submit, to a chemical test or tests 16046  
of the person's whole blood, blood serum or plasma, breath, or 16047  
urine for the purpose of determining the alcohol, drug of abuse, 16048  
controlled substance, metabolite of a controlled substance, or 16049  
combination content of the person's whole blood, blood serum or 16050  
plasma, breath, or urine. A law enforcement officer who makes a 16051  
request pursuant to this division that a person submit to a 16052  
chemical test or tests is not required to advise the person of the 16053  
consequences of submitting to, or refusing to submit to, the test 16054  
or tests and is not required to give the person the form described 16055  
in division (B) of section 4511.192 of the Revised Code, but the 16056  
officer shall advise the person at the time of the arrest that if 16057  
the person refuses to take a chemical test the officer may employ 16058  
whatever reasonable means are necessary to ensure that the person 16059  
submits to a chemical test of the person's whole blood or blood 16060  
serum or plasma. The officer shall also advise the person at the 16061  
time of the arrest that the person may have an independent 16062  
chemical test taken at the person's own expense. Divisions (A)(3) 16063  
and (4) of this section apply to the administration of a chemical 16064  
test or tests pursuant to this division. 16065

(b) If a person refuses to submit to a chemical test upon a 16066  
request made pursuant to division (A)(5)(a) of this section, the 16067  
law enforcement officer who made the request may employ whatever 16068  
reasonable means are necessary to ensure that the person submits 16069  
to a chemical test of the person's whole blood or blood serum or 16070  
plasma. A law enforcement officer who acts pursuant to this 16071  
division to ensure that a person submits to a chemical test of the 16072  
person's whole blood or blood serum or plasma is immune from 16073  
criminal and civil liability based upon a claim for assault and 16074  
battery or any other claim for the acts, unless the officer so 16075  
acted with malicious purpose, in bad faith, or in a wanton or 16076  
reckless manner. 16077

(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 16110  
division (A) or (B) of section 4511.19 of the Revised Code or 16111  
other equivalent offenses, or had refused one previous request to 16112  
consent to a chemical test and also had been convicted of or 16113  
pleaded guilty to one violation of division (A) or (B) of section 16114  
4511.19 of the Revised Code or other equivalent offenses, which 16115  
violation or offense arose from an incident other than the 16116  
incident that led to the refusal, the suspension shall be a class 16117  
A suspension imposed for the period of time specified in division 16118  
(B)(1) of section 4510.02 of the Revised Code. 16119

(d) If the arrested person, within six years of the date on 16120  
which the person refused the request to consent to the chemical 16121  
test, had refused three or more previous requests to consent to a 16122  
chemical test, had been convicted of or pleaded guilty to three or 16123  
more violations of division (A) or (B) of section 4511.19 of the 16124  
Revised Code or other equivalent offenses, or had refused a number 16125  
of previous requests to consent to a chemical test and also had 16126  
been convicted of or pleaded guilty to a number of violations of 16127  
division (A) or (B) of section 4511.19 of the Revised Code or 16128  
other equivalent offenses that cumulatively total three or more 16129  
such refusals, convictions, and guilty pleas, the suspension shall 16130  
be for five years. 16131

(2) The registrar shall terminate a suspension of the 16132  
driver's or commercial driver's license or permit of a resident or 16133  
of the operating privilege of a nonresident, or a denial of a 16134  
driver's or commercial driver's license or permit, imposed 16135  
pursuant to division (B)(1) of this section upon receipt of notice 16136  
that the person has entered a plea of guilty to, or that the 16137  
person has been convicted after entering a plea of no contest to, 16138  
operating a vehicle in violation of section 4511.19 of the Revised 16139  
Code or in violation of a municipal OVI ordinance, if the offense 16140  
for which the conviction is had or the plea is entered arose from 16141



the same incident that led to the suspension or denial. 16142

The registrar shall credit against any judicial suspension of 16143  
a person's driver's or commercial driver's license or permit or 16144  
nonresident operating privilege imposed pursuant to section 16145  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 16146  
Revised Code for a violation of a municipal OVI ordinance, any 16147  
time during which the person serves a related suspension imposed 16148  
pursuant to division (B)(1) of this section. 16149

(C)(1) Upon receipt of the sworn report of the law 16150  
enforcement officer who arrested a person for a violation of 16151  
division (A) or (B) of section 4511.19 of the Revised Code or a 16152  
municipal OVI ordinance that was completed and sent to the 16153  
registrar and a court pursuant to section 4511.192 of the Revised 16154  
Code in regard to a person whose test results indicate that the 16155  
person's whole blood, blood serum or plasma, breath, or urine 16156  
contained at least the concentration of alcohol specified in 16157  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 16158  
Revised Code or at least the concentration of a listed controlled 16159  
substance or a listed metabolite of a controlled substance 16160  
specified in division (A)(1)(j) of section 4511.19 of the Revised 16161  
Code, the registrar shall enter into the registrar's records the 16162  
fact that the person's driver's or commercial driver's license or 16163  
permit or nonresident operating privilege was suspended by the 16164  
arresting officer under this division and section 4511.192 of the 16165  
Revised Code and the period of the suspension, as determined under 16166  
divisions (C)(1)(a) to (d) of this section. The suspension shall 16167  
be subject to appeal as provided in section 4511.197 of the 16168  
Revised Code. The suspension described in this division does not 16169  
apply to, and shall not be imposed upon, a person arrested for a 16170  
violation of section 4511.194 of the Revised Code or a 16171  
substantially equivalent municipal ordinance who submits to a 16172  
designated chemical test. The suspension shall be for whichever of 16173

the following periods applies: 16174

(a) Except when division (C)(1)(b), (c), or (d) of this 16175  
section applies and specifies a different period, the suspension 16176  
shall be a class E suspension imposed for the period of time 16177  
specified in division (B)(5) of section 4510.02 of the Revised 16178  
Code. 16179

(b) The suspension shall be a class C suspension for the 16180  
period of time specified in division (B)(3) of section 4510.02 of 16181  
the Revised Code if the person has been convicted of or pleaded 16182  
guilty to, within six years of the date the test was conducted, 16183  
one violation of division (A) or (B) of section 4511.19 of the 16184  
Revised Code or one other equivalent offense. 16185

(c) If, within six years of the date the test was conducted, 16186  
the person has been convicted of or pleaded guilty to two 16187  
violations of a statute or ordinance described in division 16188  
(C)(1)(b) of this section, the suspension shall be a class B 16189  
suspension imposed for the period of time specified in division 16190  
(B)(2) of section 4510.02 of the Revised Code. 16191

(d) If, within six years of the date the test was conducted, 16192  
the person has been convicted of or pleaded guilty to more than 16193  
two violations of a statute or ordinance described in division 16194  
(C)(1)(b) of this section, the suspension shall be a class A 16195  
suspension imposed for the period of time specified in division 16196  
(B)(1) of section 4510.02 of the Revised Code. 16197

(2) The registrar shall terminate a suspension of the 16198  
driver's or commercial driver's license or permit of a resident or 16199  
of the operating privilege of a nonresident, or a denial of a 16200  
driver's or commercial driver's license or permit, imposed 16201  
pursuant to division (C)(1) of this section upon receipt of notice 16202  
that the person has entered a plea of guilty to, or that the 16203  
person has been convicted after entering a plea of no contest to, 16204

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 shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be 16269  
credited to the statewide treatment and prevention fund created by 16270  
section 4301.30 of the Revised Code. Money credited to the fund 16271  
under this section shall be used for purposes identified under 16272  
section 5119.22 of the Revised Code. 16273

(b) Seventy-five dollars shall be credited to the reparations 16274  
fund created by section 2743.191 of the Revised Code. 16275

(c) Thirty-seven dollars and fifty cents shall be credited to 16276  
the indigent drivers alcohol treatment fund, which is hereby 16277  
established in the state treasury. ~~Except as otherwise provided in~~ 16278  
~~division (F)(2)(e) of this section, moneys in the fund shall be~~ 16279  
~~distributed by the~~ The department of mental health and addiction 16280  
services shall distribute the moneys in that fund to the county 16281  
indigent drivers alcohol treatment funds, the county juvenile 16282  
indigent drivers alcohol treatment funds, and the municipal 16283  
indigent drivers alcohol treatment funds that are required to be 16284  
established by counties and municipal corporations pursuant to 16285  
division (H) of this section, ~~and shall to be used only to pay the~~ 16286  
~~cost of an alcohol and drug addiction treatment program attended~~ 16287  
~~by an offender or juvenile traffic offender who is ordered to~~ 16288  
~~attend an alcohol and drug addiction treatment program by a~~ 16289  
~~county, juvenile, or municipal court judge and who is determined~~ 16290  
~~by the county, juvenile, or municipal court judge not to have the~~ 16291  
~~means to pay for the person's attendance at the program or to pay~~ 16292  
~~the costs specified in division (H)(4) of this section in~~ 16293  
~~accordance with that division. In addition, a county, juvenile, or~~ 16294  
~~municipal court judge may use moneys in the county indigent~~ 16295  
~~drivers alcohol treatment fund, county juvenile indigent drivers~~ 16296  
~~alcohol treatment fund, or municipal indigent drivers alcohol~~ 16297  
~~treatment fund to pay for the cost of the continued use of an~~ 16298  
~~alcohol monitoring device as described in divisions (H)(3) and (4)~~ 16299  
~~of this section~~ as provided in division (H)(3) of this section. 16300

Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund under division (H) of this section because the director of mental health and addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code, upon certification of the amount by the director of mental health and addiction services.

(d) Seventy-five dollars shall be credited to the opportunities for Ohioans with disabilities agency established by section 3304.15 of the Revised Code, to the services for rehabilitation fund, which is hereby established. The fund shall be used to match available federal matching funds where appropriate, and for any other purpose or program of the agency to rehabilitate persons with disabilities to help them become employed and independent.

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F)(4) of this section.

(f) Thirty dollars shall be credited to the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code.

(h) Fifty dollars shall be credited to the indigent drivers

interlock and alcohol monitoring fund, which is hereby established 16332  
in the state treasury. Moneys in the fund shall be distributed by 16333  
the department of public safety to the county indigent drivers 16334  
interlock and alcohol monitoring funds, the county juvenile 16335  
indigent drivers interlock and alcohol monitoring funds, and the 16336  
municipal indigent drivers interlock and alcohol monitoring funds 16337  
that are required to be established by counties and municipal 16338  
corporations pursuant to this section, and shall be used only to 16339  
pay the cost of an immobilizing or disabling device, including a 16340  
certified ignition interlock device, or an alcohol monitoring 16341  
device used by an offender or juvenile offender who is ordered to 16342  
use the device by a county, juvenile, or municipal court judge and 16343  
who is determined by the county, juvenile, or municipal court 16344  
judge not to have the means to pay for the person's use of the 16345  
device. 16346

(3) If a person's driver's or commercial driver's license or 16347  
permit is suspended under this section, under section 4511.196 or 16348  
division (G) of section 4511.19 of the Revised Code, under section 16349  
4510.07 of the Revised Code for a violation of a municipal OVI 16350  
ordinance or under any combination of the suspensions described in 16351  
division (F)(3) of this section, and if the suspensions arise from 16352  
a single incident or a single set of facts and circumstances, the 16353  
person is liable for payment of, and shall be required to pay to 16354  
the registrar or an eligible deputy registrar, only one 16355  
reinstatement fee of four hundred seventy-five dollars. The 16356  
reinstatement fee shall be distributed by the bureau in accordance 16357  
with division (F)(2) of this section. 16358

(4) The attorney general shall use amounts in the drug abuse 16359  
resistance education programs fund to award grants to law 16360  
enforcement agencies to establish and implement drug abuse 16361  
resistance education programs in public schools. Grants awarded to 16362  
a law enforcement agency under this section shall be used by the 16363

agency to pay for not more than fifty per cent of the amount of 16364  
the salaries of law enforcement officers who conduct drug abuse 16365  
resistance education programs in public schools. The attorney 16366  
general shall not use more than six per cent of the amounts the 16367  
attorney general's office receives under division (F)(2)(e) of 16368  
this section to pay the costs it incurs in administering the grant 16369  
program established by division (F)(2)(e) of this section and in 16370  
providing training and materials relating to drug abuse resistance 16371  
education programs. 16372

The attorney general shall report to the governor and the 16373  
general assembly each fiscal year on the progress made in 16374  
establishing and implementing drug abuse resistance education 16375  
programs. These reports shall include an evaluation of the 16376  
effectiveness of these programs. 16377

(5) In addition to the reinstatement fee under this section, 16378  
if the person pays the reinstatement fee to a deputy registrar, 16379  
the deputy registrar shall collect a service fee of ten dollars to 16380  
compensate the deputy registrar for services performed under this 16381  
section. The deputy registrar shall retain eight dollars of the 16382  
service fee and shall transmit the reinstatement fee, plus two 16383  
dollars of the service fee, to the registrar in the manner the 16384  
registrar shall determine. 16385

(G) Suspension of a commercial driver's license under 16386  
division (B) or (C) of this section shall be concurrent with any 16387  
period of disqualification under section 3123.611 or 4506.16 of 16388  
the Revised Code or any period of suspension under section 3123.58 16389  
of the Revised Code. No person who is disqualified for life from 16390  
holding a commercial driver's license under section 4506.16 of the 16391  
Revised Code shall be issued a driver's license under Chapter 16392  
4507. of the Revised Code during the period for which the 16393  
commercial driver's license was suspended under division (B) or 16394  
(C) of this section. No person whose commercial driver's license 16395



is suspended under division (B) or (C) of this section shall be 16396  
issued a driver's license under Chapter 4507. of the Revised Code 16397  
during the period of the suspension. 16398

(H)(1) Each county shall establish an indigent drivers 16399  
alcohol treatment fund, ~~each county shall establish and~~ a juvenile 16400  
indigent drivers alcohol treatment fund, ~~and each. Each~~ municipal 16401  
corporation in which there is a municipal court shall establish an 16402  
indigent drivers alcohol treatment fund. ~~All revenue that the~~ 16403  
~~general assembly appropriates to the indigent drivers alcohol~~ 16404  
~~treatment fund for transfer to a county indigent drivers alcohol~~ 16405  
~~treatment fund, a county juvenile indigent drivers alcohol~~ 16406  
~~treatment fund, or a municipal indigent drivers alcohol treatment~~ 16407  
~~fund, all portions of fees that are paid under division (F) of~~ 16408  
~~this section and that are credited under that division to the~~ 16409  
~~indigent drivers alcohol treatment fund in the state treasury for~~ 16410  
~~a county indigent drivers alcohol treatment fund, a county~~ 16411  
~~juvenile indigent drivers alcohol treatment fund, or a municipal~~ 16412  
~~indigent drivers alcohol treatment fund, all portions of~~ 16413  
~~additional costs imposed under section 2949.094 of the Revised~~ 16414  
~~Code that are specified for deposit into a county, county~~ 16415  
~~juvenile, or municipal indigent drivers alcohol treatment fund by~~ 16416  
~~that section, and all portions of fines that are specified for~~ 16417  
~~deposit into a county or municipal indigent drivers alcohol~~ 16418  
~~treatment fund by section 4511.193 of the Revised Code shall be~~ 16419  
~~deposited into that county indigent drivers alcohol treatment~~ 16420  
~~fund, county juvenile indigent drivers alcohol treatment fund, or~~ 16421  
~~municipal indigent drivers alcohol treatment fund. The portions of~~ 16422  
~~the fees paid under division (F) of this section that are to be se~~ 16423  
~~deposited shall be determined in accordance with division (H)(2)~~ 16424  
~~of this section. Additionally, all portions of fines that are paid~~ 16425  
~~for a violation of section 4511.19 of the Revised Code or of any~~ 16426  
~~prohibition contained in Chapter 4510. of the Revised Code, and~~ 16427  
~~that are required under section 4511.19 or any provision of~~ 16428

~~Chapter 4510. of the Revised Code to be deposited into a county  
indigent drivers alcohol treatment fund or municipal indigent  
drivers alcohol treatment fund shall be deposited into the  
appropriate fund in accordance with the applicable division of the  
section or provision.~~

The treasurer of state or other appropriate official, as  
applicable, shall transfer the following into each county indigent  
drivers alcohol treatment fund, county juvenile indigent drivers  
alcohol treatment fund, or municipal indigent drivers alcohol  
treatment fund, as applicable:

(a) All revenue the general assembly appropriates to the  
indigent drivers alcohol treatment fund for transfer into such a  
fund;

(b) All portions of fees paid under division (F) of this  
section that, in accordance with division (H)(2) of this section,  
are credited to the indigent drivers alcohol treatment fund for  
deposit into such a fund;

(c) All portions of additional costs imposed under section  
2949.094 of the Revised Code that are required to be deposited  
into such a fund;

(d) All portions of fines that are required to be deposited  
into such a fund under section 4511.193 of the Revised Code;

(e) All portions of fines paid under section 4511.19 of the  
Revised Code or Chapter 4510. of the Revised Code that are  
required to be paid into such a fund.

(2) That portion of the license reinstatement fee that is  
paid under division (F) of this section and that is credited under  
that division to the indigent drivers alcohol treatment fund shall  
be deposited into a county indigent drivers alcohol treatment  
fund, a county juvenile indigent drivers alcohol treatment fund,  
or a municipal indigent drivers alcohol treatment fund as follows:

(a) Regarding a suspension imposed under this section, that 16460  
portion of the fee shall be deposited as follows: 16461

(i) If the fee is paid by a person who was charged in a 16462  
county court with the violation that resulted in the suspension or 16463  
in the imposition of the court costs, the portion shall be 16464  
deposited into the county indigent drivers alcohol treatment fund 16465  
under the control of that court; 16466

(ii) If the fee is paid by a person who was charged in a 16467  
juvenile court with the violation that resulted in the suspension 16468  
or in the imposition of the court costs, the portion shall be 16469  
deposited into the county juvenile indigent drivers alcohol 16470  
treatment fund established in the county served by the court; 16471

(iii) If the fee is paid by a person who was charged in a 16472  
municipal court with the violation that resulted in the suspension 16473  
or in the imposition of the court costs, the portion shall be 16474  
deposited into the municipal indigent drivers alcohol treatment 16475  
fund under the control of that court. 16476

(b) Regarding a suspension imposed under section 4511.19 of 16477  
the Revised Code or under section 4510.07 of the Revised Code for 16478  
a violation of a municipal OVI ordinance, that portion of the fee 16479  
shall be deposited as follows: 16480

(i) If the fee is paid by a person whose license or permit 16481  
was suspended by a county court, the portion shall be deposited 16482  
into the county indigent drivers alcohol treatment fund under the 16483  
control of that court; 16484

(ii) If the fee is paid by a person whose license or permit 16485  
was suspended by a municipal court, the portion shall be deposited 16486  
into the municipal indigent drivers alcohol treatment fund under 16487  
the control of that court. 16488

(3) ~~Expenditures~~ (a) As used in division (H)(3) of this 16489  
section, "indigent person" means a person who is convicted of a 16490

violation of division (A) of section 4511.19 of the Revised Code 16491  
or a substantially similar municipal ordinance or found to be a 16492  
juvenile traffic offender by reason of a violation of division (B) 16493  
of section 4511.19 of the Revised Code or a substantially similar 16494  
municipal ordinance, who is ordered by the court to attend an 16495  
alcohol and drug addiction treatment program, and who is 16496  
determined by the court under division (H)(5) of this section to 16497  
be unable to pay the cost of the assessment or the cost of 16498  
attendance at the treatment program. 16499

(b) A county, juvenile, or municipal court judge, by order, 16500  
may make expenditures from a county indigent drivers alcohol 16501  
treatment fund, a county juvenile indigent drivers alcohol 16502  
treatment fund, or a municipal indigent drivers alcohol treatment 16503  
fund shall be made only upon the order of a county, juvenile, or 16504  
municipal court judge and only for payment of the cost of an 16505  
assessment or the cost of the attendance at an alcohol and drug 16506  
addiction treatment program of a with respect to an indigent 16507  
person who is convicted of, or found to be a juvenile traffic 16508  
offender by reason of, a violation of division (A) of section 16509  
4511.19 of the Revised Code or a substantially similar municipal 16510  
ordinance, who is ordered by the court to attend the alcohol and 16511  
drug addiction treatment program, and who is determined by the 16512  
court to be unable to pay the cost of the assessment or the cost 16513  
of attendance at the treatment program or for payment of the costs 16514  
specified in division (H)(4) of this section in accordance with 16515  
that division. The for any of the following: 16516

(i) To pay the cost of an assessment that is conducted by an 16517  
appropriately licensed clinician at either a driver intervention 16518  
program that is certified under section 5119.38 of the Revised 16519  
Code or at a community addiction services provider that is 16520  
certified under section 5119.36 of the Revised Code; 16521

(ii) To pay the cost of alcohol addiction services, drug 16522

addiction services, or integrated alcohol and drug addiction 16523  
services at a community addiction services provider that is 16524  
certified under section 5119.36 of the Revised Code; 16525

(iii) To pay the cost of transportation to attend an 16526  
assessment as provided under division (H)(3)(b)(i) of this section 16527  
or addiction services as provided under division (H)(3)(b)(ii) of 16528  
this section. 16529

The alcohol and drug addiction services board or the board of 16530  
alcohol, drug addiction, and mental health services established 16531  
pursuant to section 340.02 or 340.021 of the Revised Code and 16532  
serving the alcohol, drug addiction, and mental health service 16533  
district in which the court is located shall administer the 16534  
indigent drivers alcohol treatment program of the court. When a 16535  
court orders an offender or juvenile traffic offender to obtain an 16536  
assessment or attend an alcohol and drug addiction treatment 16537  
program, the board shall determine which program is suitable to 16538  
meet the needs of the offender or juvenile traffic offender, and 16539  
when a suitable program is located and space is available at the 16540  
program, the offender or juvenile traffic offender shall attend 16541  
the program designated by the board. A reasonable amount not to 16542  
exceed five per cent of the amounts credited to and deposited into 16543  
the county indigent drivers alcohol treatment fund, the county 16544  
juvenile indigent drivers alcohol treatment fund, or the municipal 16545  
indigent drivers alcohol treatment fund serving every court whose 16546  
program is administered by that board shall be paid to the board 16547  
to cover the costs it incurs in administering those indigent 16548  
drivers alcohol treatment programs. 16549

~~In addition, upon~~ (c) Upon exhaustion of moneys in the 16550  
indigent drivers interlock and alcohol monitoring fund for the use 16551  
of an alcohol monitoring device, a county, juvenile, or municipal 16552  
court judge may use moneys in the county indigent drivers alcohol 16553  
treatment fund, county juvenile indigent drivers alcohol treatment 16554

fund, or municipal indigent drivers alcohol treatment fund in 16555  
either of the following manners: 16556

~~(a)~~(i) If the source of the moneys was an appropriation of 16557  
the general assembly, a portion of a fee that was paid under 16558  
division (F) of this section, a portion of a fine that was 16559  
specified for deposit into the fund by section 4511.193 of the 16560  
Revised Code, or a portion of a fine that was paid for a violation 16561  
of section 4511.19 of the Revised Code or of a provision contained 16562  
in Chapter 4510. of the Revised Code that was required to be 16563  
deposited into the fund, to pay for the continued use of an 16564  
alcohol monitoring device by an offender or juvenile traffic 16565  
offender, in conjunction with a treatment program approved by the 16566  
department of mental health and addiction services, when such use 16567  
is determined clinically necessary by the treatment program and 16568  
when the court determines that the offender or juvenile traffic 16569  
offender is unable to pay all or part of the daily monitoring or 16570  
cost of the device; 16571

~~(b)~~(ii) If the source of the moneys was a portion of an 16572  
additional court cost imposed under section 2949.094 of the 16573  
Revised Code, to pay for the continued use of an alcohol 16574  
monitoring device by an offender or juvenile traffic offender when 16575  
the court determines that the offender or juvenile traffic 16576  
offender is unable to pay all or part of the daily monitoring or 16577  
cost of the device. The moneys may be used for a device as 16578  
described in this division if the use of the device is in 16579  
conjunction with a treatment program approved by the department of 16580  
mental health and addiction services, when the use of the device 16581  
is determined clinically necessary by the treatment program, but 16582  
the use of a device is not required to be in conjunction with a 16583  
treatment program approved by the department in order for the 16584  
moneys to be used for the device as described in this division. 16585

(4) If a county, juvenile, or municipal court determines, in 16586

consultation with the alcohol and drug addiction services board or 16587  
the board of alcohol, drug addiction, and mental health services 16588  
established pursuant to section 340.02 or 340.021 of the Revised 16589  
Code and serving the alcohol, drug addiction, and mental health 16590  
district in which the court is located, that the funds in the 16591  
county indigent drivers alcohol treatment fund, the county 16592  
juvenile indigent drivers alcohol treatment fund, or the municipal 16593  
indigent drivers alcohol treatment fund under the control of the 16594  
court are more than sufficient to satisfy the purpose for which 16595  
the fund was established, as specified in divisions (H)(1) to (3) 16596  
of this section, the court may declare a surplus in the fund. If 16597  
the court declares a surplus in the fund, the court may ~~expend~~ 16598  
take any of the following actions with regard to the amount of the 16599  
surplus in the fund ~~for~~: 16600

(a) ~~Alcohol~~ Expend any of the surplus amount for alcohol and 16601  
drug abuse assessment and treatment, and for the cost of 16602  
transportation related to assessment and treatment, of persons who 16603  
are charged in the court with committing a criminal offense or 16604  
with being a delinquent child or juvenile traffic offender and in 16605  
relation to whom both of the following apply: 16606

(i) The court determines that substance abuse was a 16607  
contributing factor leading to the criminal or delinquent activity 16608  
or the juvenile traffic offense with which the person is charged. 16609

(ii) The court determines that the person is unable to pay 16610  
the cost of the alcohol and drug abuse assessment and treatment 16611  
for which the surplus money will be used. 16612

(b) ~~All~~ Expend any of the surplus amount to pay all or part 16613  
of the cost of purchasing alcohol monitoring devices to be used in 16614  
conjunction with division (H)(3)(c) of this section, upon 16615  
exhaustion of moneys in the indigent drivers interlock and alcohol 16616  
monitoring fund for the use of an alcohol monitoring device. 16617

(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. 16618  
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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. 16626  
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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. 16633  
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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 16643  
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shall keep a record of applicant referrals received pursuant to 16650  
this division and shall submit a report on the referrals each year 16651  
to the general assembly. If a services provider interested in 16652  
becoming certified makes an application to become certified 16653  
pursuant to section 5119.36 of the Revised Code, the services 16654  
provider is eligible to receive surplus funds as long as the 16655  
application is pending with the department. The department of 16656  
mental health and addiction services must offer technical 16657  
assistance to the applicant. If the interested services provider 16658  
withdraws the certification application, the department must 16659  
notify the court, and the court shall not provide the interested 16660  
services provider with any further surplus funds. 16661

(7)(a) Each alcohol and drug addiction services board and 16662  
board of alcohol, drug addiction, and mental health services 16663  
established pursuant to section 340.02 or 340.021 of the Revised 16664  
Code shall submit to the department of mental health and addiction 16665  
services an annual report for each indigent drivers alcohol 16666  
treatment fund in that board's area. 16667

(b) The report, which shall be submitted not later than sixty 16668  
days after the end of the state fiscal year, shall provide the 16669  
total payment that was made from the fund, including the number of 16670  
indigent consumers that received treatment services and the number 16671  
of indigent consumers that received an alcohol monitoring device. 16672  
The report shall identify the treatment program and expenditure 16673  
for an alcohol monitoring device for which that payment was made. 16674  
The report shall include the fiscal year balance of each indigent 16675  
drivers alcohol treatment fund located in that board's area. In 16676  
the event that a surplus is declared in the fund pursuant to 16677  
division (H)(4) of this section, the report also shall provide the 16678  
total payment that was made from the surplus moneys and identify 16679  
the ~~treatment program and expenditure for an alcohol monitoring~~ 16680  
~~device~~ authorized purpose for which that payment was made. 16681

(c) If a board is unable to obtain adequate information to 16682  
develop the report to submit to the department for a particular 16683  
indigent drivers alcohol treatment fund, the board shall submit a 16684  
report detailing the effort made in obtaining the information. 16685

(I)(1) Each county shall establish an indigent drivers 16686  
interlock and alcohol monitoring fund and a juvenile indigent 16687  
drivers interlock and alcohol treatment fund, ~~and each.~~ Each 16688  
municipal corporation in which there is a municipal court shall 16689  
establish an indigent drivers interlock and alcohol monitoring 16690  
fund. ~~All revenue that the general assembly appropriates to the~~ 16691  
~~indigent drivers interlock and alcohol monitoring fund for~~ 16692  
~~transfer to a county indigent drivers interlock and alcohol~~ 16693  
~~monitoring fund, a county juvenile indigent drivers interlock and~~ 16694  
~~alcohol monitoring fund, or a municipal indigent drivers interlock~~ 16695  
~~and alcohol monitoring fund, all portions of license reinstatement~~ 16696  
~~fees that are paid under division (F)(2) of this section and that~~ 16697  
~~are credited under that division to the indigent drivers interlock~~ 16698  
~~and alcohol monitoring fund in the state treasury, and all~~ 16699  
~~portions of fines that are paid under division (G) of section~~ 16700  
~~4511.19 of the Revised Code and that are credited by division~~ 16701  
~~(G)(5)(e) of that section to the indigent drivers interlock and~~ 16702  
~~alcohol monitoring fund in the state treasury shall be deposited~~ 16703  
~~in the appropriate fund in accordance with division (I)(2) of this~~ 16704  
~~section.~~ 16705

The treasurer of state shall transfer the following into each 16706  
county indigent drivers interlock and alcohol monitoring fund, 16707  
county juvenile indigent drivers interlock and alcohol monitoring 16708  
fund, or municipal indigent drivers interlock and alcohol 16709  
monitoring fund, as applicable: 16710

(a) All revenue the general assembly appropriates to the 16711  
indigent drivers interlock and alcohol monitoring fund for 16712  
transfer into such a fund; 16713

(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; 16714  
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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. 16719  
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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: 16724  
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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. 16733  
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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. 16738  
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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 16743  
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suspension, the portion shall be deposited into the municipal 16745  
indigent drivers interlock and alcohol monitoring fund under the 16746  
control of that court. 16747

(3) If a county, juvenile, or municipal court determines that 16748  
the funds in the county indigent drivers interlock and alcohol 16749  
monitoring fund, the county juvenile indigent drivers interlock 16750  
and alcohol monitoring fund, or the municipal indigent drivers 16751  
interlock and alcohol monitoring fund under the control of that 16752  
court are more than sufficient to satisfy the purpose for which 16753  
the fund was established as specified in division (F)(2)(h) of 16754  
this section, the court may declare a surplus in the fund. The 16755  
court then may order the transfer of a specified amount into the 16756  
county indigent drivers alcohol treatment fund, the county 16757  
juvenile indigent drivers alcohol treatment fund, or the municipal 16758  
indigent drivers alcohol treatment fund under the control of that 16759  
court to be utilized in accordance with division (H) of this 16760  
section. 16761

**Sec. 4715.14.** (A)(1) Each person who is licensed to practice 16762  
dentistry in Ohio shall, on or before the first day of January of 16763  
each even-numbered year, register with the state dental board. The 16764  
registration shall be made on a form prescribed by the board and 16765  
furnished by the secretary, shall include the licensee's name, 16766  
address, license number, and such other reasonable information as 16767  
the board may consider necessary, and shall include payment of a 16768  
biennial registration fee of two hundred forty-five dollars. 16769  
Except as provided in division (E) of this section, this fee shall 16770  
be paid to the treasurer of state. Subject to division (C) of this 16771  
section, a registration shall be in effect for the two-year period 16772  
beginning on the first day of January of the even-numbered year 16773  
and ending on the last day of December of the following 16774  
odd-numbered year, and shall be renewed in accordance with the 16775  
standard renewal procedure of sections 4745.01 to 4745.03 of the 16776

Revised Code. 16777

(2)(a) Except as provided in division (A)(2)(b) of this section, in the case of a licensee seeking registration who prescribes or personally furnishes opioid analgesics or benzodiazepines, the licensee shall certify to the board whether the licensee has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 16778  
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(b) The requirement in division (A)(2)(a) of this section does not apply if either of the following is the case: 16785  
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(i) The state board of pharmacy notifies the state dental board pursuant to section 4729.861 of the Revised Code that the licensee has been restricted from obtaining further information from the drug database. 16787  
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(ii) The state board of pharmacy no longer maintains the drug database. 16791  
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(3) If a licensee certifies to the state dental board that the licensee has been granted access to the drug database and the board finds through an audit or other means that the licensee has not been granted access, the board may take action under section 4715.30 of the Revised Code. 16793  
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(B) A licensed dentist who desires to temporarily retire from practice and who has given the board notice in writing to that effect shall be granted such a retirement, provided only that at that time all previous registration fees and additional costs of reinstatement have been paid. 16798  
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(C) Not later than the thirty-first day of January of an even-numbered year, the board shall send a notice by certified mail to a dentist who fails to renew a license in accordance with division (A) of this section. The notice shall state all of the following: 16803  
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- (1) That the board has not received the registration form and fee described in that division; 16808  
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- (2) That the license shall remain valid and in good standing until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew if the dentist remains in compliance with all other applicable provisions of this chapter and any rule adopted under it; 16810  
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- (3) That the license may be renewed until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew by the payment of the biennial registration fee and an additional fee of one hundred dollars to cover the cost of late renewal; 16815  
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- (4) That unless the board receives the registration form and fee before the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew, the board may, on or after the relevant first day of April, initiate disciplinary action against the dentist pursuant to Chapter 119. of the Revised Code; 16820  
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- (5) That a dentist whose license has been suspended as a result of disciplinary action initiated pursuant to division (C)(4) of this section may be reinstated by the payment of the biennial registration fee and an additional fee of three hundred dollars to cover the cost of reinstatement. 16826  
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- (D) Each dentist licensed to practice, whether a resident or not, shall notify the secretary in writing or electronically of any change in the dentist's office address or employment within ten days after such change has taken place. On the first day of July of every even-numbered year, the secretary shall issue a printed roster of the names and addresses so registered. 16831  
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- (E) Twenty dollars of each biennial registration fee shall be paid to the dentist loan repayment fund created under section 16837  
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3702.95 of the Revised Code. 16839

Sec. 4715.15. When a dentist orders a test for the presence 16840  
of Lyme disease in a patient, the dentist or dentist's delegate 16841  
shall provide to the patient or patient's representative a written 16842  
notice with the following information: 16843

"Your health care provider has ordered a test for the 16844  
presence of Lyme disease. Current testing for Lyme disease can be 16845  
problematic and may lead to false results. If you are tested for 16846  
Lyme disease and the results are positive, this does not 16847  
necessarily mean that you have contracted Lyme disease. In the 16848  
alternative, if the results are negative, this does not 16849  
necessarily mean that you have not contracted Lyme disease. If you 16850  
continue to experience symptoms or have other health concerns, you 16851  
should contact your health care provider and inquire about the 16852  
appropriateness of additional testing or treatment." 16853

The dentist or dentist's delegate shall obtain a signature 16854  
from the patient or patient's representative indicating receipt of 16855  
the notice. The document containing the signature shall be kept in 16856  
the patient's record. 16857

**Sec. 4715.30.** (A) An applicant for or holder of a certificate 16858  
or license issued under this chapter is subject to disciplinary 16859  
action by the state dental board for any of the following reasons: 16860  
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(1) Employing or cooperating in fraud or material deception 16862  
in applying for or obtaining a license or certificate; 16863

(2) Obtaining or attempting to obtain money or anything of 16864  
value by intentional misrepresentation or material deception in 16865  
the course of practice; 16866

(3) Advertising services in a false or misleading manner or 16867  
violating the board's rules governing time, place, and manner of 16868

advertising;	16869
(4) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	16870 16871 16872
(5) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	16873 16874 16875
(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice;	16876 16877 16878 16879 16880
(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;	16881 16882
(8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;	16883 16884 16885 16886 16887 16888 16889
(9) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;	16890 16891 16892 16893 16894 16895 16896 16897 16898
(10) Inability to practice under accepted standards of the	16899



profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs; 16900  
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(11) Violation of any provision of this chapter or any rule adopted thereunder; 16903  
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(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code; 16905  
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(13) Except as provided in division (H) of this section, either of the following: 16908  
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(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder; 16910  
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(b) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay. 16916  
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(14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 16921  
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(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; 16925  
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acceptance of an individual's license surrender; denial of a 16931  
license; refusal to renew or reinstate a license; imposition of 16932  
probation; or issuance of an order of censure or other reprimand; 16933

(16) Failure to cooperate in an investigation conducted by 16934  
the board under division (D) of section 4715.03 of the Revised 16935  
Code, including failure to comply with a subpoena or order issued 16936  
by the board or failure to answer truthfully a question presented 16937  
by the board at a deposition or in written interrogatories, except 16938  
that failure to cooperate with an investigation shall not 16939  
constitute grounds for discipline under this section if a court of 16940  
competent jurisdiction has issued an order that either quashes a 16941  
subpoena or permits the individual to withhold the testimony or 16942  
evidence in issue. 16943

(B) A manager, proprietor, operator, or conductor of a dental 16944  
facility shall be subject to disciplinary action if any dentist, 16945  
dental hygienist, expanded function dental auxiliary, or qualified 16946  
personnel providing services in the facility is found to have 16947  
committed a violation listed in division (A) of this section and 16948  
the manager, proprietor, operator, or conductor knew of the 16949  
violation and permitted it to occur on a recurring basis. 16950

(C) Subject to Chapter 119. of the Revised Code, the board 16951  
may take one or more of the following disciplinary actions if one 16952  
or more of the grounds for discipline listed in divisions (A) and 16953  
(B) of this section exist: 16954

(1) Censure the license or certificate holder; 16955

(2) Place the license or certificate on probationary status 16956  
for such period of time the board determines necessary and require 16957  
the holder to: 16958

(a) Report regularly to the board upon the matters which are 16959  
the basis of probation; 16960

(b) Limit practice to those areas specified by the board; 16961

(c) Continue or renew professional education until a satisfactory degree of knowledge or clinical competency has been attained in specified areas.

(3) Suspend the certificate or license;

(4) Revoke the certificate or license.

Where the board places a holder of a license or certificate on probationary status pursuant to division (C)(2) of this section, the board may subsequently suspend or revoke the license or certificate if it determines that the holder has not met the requirements of the probation or continues to engage in activities that constitute grounds for discipline pursuant to division (A) or (B) of this section.

Any order suspending a license or certificate shall state the conditions under which the license or certificate will be restored, which may include a conditional restoration during which time the holder is in a probationary status pursuant to division (C)(2) of this section. The board shall restore the license or certificate unconditionally when such conditions are met.

(D) If the physical or mental condition of an applicant or a license or certificate holder is at issue in a disciplinary proceeding, the board may order the license or certificate holder to submit to reasonable examinations by an individual designated or approved by the board and at the board's expense. The physical examination may be conducted by any individual authorized by the Revised Code to do so, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.

Failure to comply with an order for an examination shall be grounds for refusal of a license or certificate or summary

suspension of a license or certificate under division (E) of this section. 16993  
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(E) If a license or certificate holder has failed to comply with an order under division (D) of this section, the board may apply to the court of common pleas of the county in which the holder resides for an order temporarily suspending the holder's license or certificate, without a prior hearing being afforded by the board, until the board conducts an adjudication hearing pursuant to Chapter 119. of the Revised Code. If the court temporarily suspends a holder's license or certificate, the board shall give written notice of the suspension personally or by certified mail to the license or certificate holder. Such notice shall inform the license or certificate holder of the right to a hearing pursuant to Chapter 119. of the Revised Code. 16995  
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(F) Any holder of a certificate or license issued under this chapter who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for intervention in lieu of conviction entered against the holder in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for treatment or intervention in lieu of conviction entered against the holder in another jurisdiction for any substantially equivalent criminal offense, is automatically suspended from practice under this chapter in this state and any certificate or license issued to the holder under this chapter is automatically suspended, as of the date of the guilty plea, conviction, or judicial finding, whether the proceedings are brought in this state or another jurisdiction. Continued practice by an individual after the suspension of the individual's certificate or license under this division shall be 17007  
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considered practicing without a certificate or license. The board 17025  
shall notify the suspended individual of the suspension of the 17026  
individual's certificate or license under this division by 17027  
certified mail or in person in accordance with section 119.07 of 17028  
the Revised Code. If an individual whose certificate or license is 17029  
suspended under this division fails to make a timely request for 17030  
an adjudicatory hearing, the board shall enter a final order 17031  
revoking the individual's certificate or license. 17032

(G) If the supervisory investigative panel determines both of 17033  
the following, the panel may recommend that the board suspend an 17034  
individual's certificate or license without a prior hearing: 17035

(1) That there is clear and convincing evidence that an 17036  
individual has violated division (A) of this section; 17037

(2) That the individual's continued practice presents a 17038  
danger of immediate and serious harm to the public. 17039

Written allegations shall be prepared for consideration by 17040  
the board. The board, upon review of those allegations and by an 17041  
affirmative vote of not fewer than four dentist members of the 17042  
board and seven of its members in total, excluding any member on 17043  
the supervisory investigative panel, may suspend a certificate or 17044  
license without a prior hearing. A telephone conference call may 17045  
be utilized for reviewing the allegations and taking the vote on 17046  
the summary suspension. 17047

The board shall issue a written order of suspension by 17048  
certified mail or in person in accordance with section 119.07 of 17049  
the Revised Code. The order shall not be subject to suspension by 17050  
the court during pendency or any appeal filed under section 119.12 17051  
of the Revised Code. If the individual subject to the summary 17052  
suspension requests an adjudicatory hearing by the board, the date 17053  
set for the hearing shall be within fifteen days, but not earlier 17054  
than seven days, after the individual requests the hearing, unless 17055

otherwise agreed to by both the board and the individual. 17056

Any summary suspension imposed under this division shall 17057  
remain in effect, unless reversed on appeal, until a final 17058  
adjudicative order issued by the board pursuant to this section 17059  
and Chapter 119. of the Revised Code becomes effective. The board 17060  
shall issue its final adjudicative order within seventy-five days 17061  
after completion of its hearing. A failure to issue the order 17062  
within seventy-five days shall result in dissolution of the 17063  
summary suspension order but shall not invalidate any subsequent, 17064  
final adjudicative order. 17065

(H) Sanctions shall not be imposed under division (A)(13) of 17066  
this section against any certificate or license holder who waives 17067  
deductibles and copayments as follows: 17068

(1) In compliance with the health benefit plan that expressly 17069  
allows such a practice. Waiver of the deductibles or copayments 17070  
shall be made only with the full knowledge and consent of the plan 17071  
purchaser, payer, and third-party administrator. Documentation of 17072  
the consent shall be made available to the board upon request. 17073

(2) For professional services rendered to any other person 17074  
who holds a certificate or license issued pursuant to this chapter 17075  
to the extent allowed by this chapter and the rules of the board. 17076

(I) In no event shall the board consider or raise during a 17077  
hearing required by Chapter 119. of the Revised Code the 17078  
circumstances of, or the fact that the board has received, one or 17079  
more complaints about a person unless the one or more complaints 17080  
are the subject of the hearing or resulted in the board taking an 17081  
action authorized by this section against the person on a prior 17082  
occasion. 17083

(J) The board may share any information it receives pursuant 17084  
to an investigation under division (D) of section 4715.03 of the 17085  
Revised Code, including patient records and patient record 17086

information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state dental board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state dental board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

**Sec. 4715.302.** (A) As used in this section, "drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(B) The Except as provided in divisions (C) and (E) of this section, a dentist shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine, or personally furnishing a complete or partial supply of such a drug, as part of a patient's course of treatment for a particular condition:

(1) Before initially prescribing or furnishing the drug, the dentist or the dentist's delegate shall request from the drug database a report of information related to the patient that

covers at least the twelve months immediately preceding the date 17118  
of the request. If the dentist practices primarily in a county of 17119  
this state that adjoins another state, the dentist or delegate 17120  
also shall request a report of any information available in the 17121  
drug database that pertains to prescriptions issued or drugs 17122  
furnished to the patient in the state adjoining that county. 17123

(2) If the patient's course of treatment for the condition 17124  
continues for more than ninety days after the initial report is 17125  
requested, the dentist or delegate shall make periodic requests 17126  
for reports of information from the drug database until the course 17127  
of treatment has ended. The requests shall be made at intervals 17128  
not exceeding ninety days, determined according to the date the 17129  
initial request was made. The request shall be made in the same 17130  
manner provided in division (B)(1) of this section for requesting 17131  
the initial report of information from the drug database. 17132

(3) On receipt of a report under division (B)(1) or (2) of 17133  
this section, the dentist shall assess the information in the 17134  
report. The dentist shall document in the patient's record that 17135  
the report was received and the information was assessed. 17136

(C)(1) Division (B) of this section does not apply if a drug 17137  
database report regarding the patient is not available. In this 17138  
event, the dentist shall document in the patient's record the 17139  
reason that the report is not available. 17140

(2) Division (B) of this section does not apply if the drug 17141  
is prescribed or personally furnished in an amount indicated for a 17142  
period not to exceed seven days. 17143

(D) With respect to prescribing or personally furnishing any 17144  
drug that is not an opioid analgesic or a benzodiazepine but is 17145  
included in the drug database pursuant to rules adopted under 17146  
section 4729.84 of the Revised Code, the state dental board shall 17147  
adopt rules in accordance with Chapter 119. of the Revised Code 17148



that establish standards and procedures to be followed by a 17149  
dentist regarding the review of patient information available 17150  
through the drug database under division (A)(5) of section 4729.80 17151  
of the Revised Code. The rules shall be adopted in accordance with 17152  
Chapter 119. of the Revised Code. 17153

~~(C)~~(E) This section and the rules adopted under it do not 17154  
apply if the state board of pharmacy no longer maintains the drug 17155  
database. 17156

**Sec. 4717.10.** (A) The board of embalmers and funeral 17157  
directors may recognize licenses issued to embalmers and funeral 17158  
directors by other states, and upon presentation of such licenses, 17159  
may issue to the holder an embalmer's or funeral director's 17160  
license under this chapter. The board shall charge the same fee as 17161  
prescribed in section 4717.07 of the Revised Code to issue or 17162  
renew such an embalmer's or funeral director's license. Such 17163  
licenses shall be renewed biennially as provided in section 17164  
4717.08 of the Revised Code. The board shall not issue a license 17165  
to any person under division (A) of this section unless the 17166  
applicant proves that the applicant, in the state in which the 17167  
applicant is licensed, has complied with requirements 17168  
substantially equal to those established in section 4717.05 of the 17169  
Revised Code. 17170

(B) The board of embalmers and funeral directors may issue 17171  
courtesy ~~cards~~ card permits. A courtesy ~~cardholder~~ card permit 17172  
holder shall be authorized to undertake both the following acts in 17173  
this state: 17174

(1) Prepare and complete those sections of a death 17175  
certificate and other permits needed for disposition of deceased 17176  
human remains in this state and sign and file such death 17177  
certificates and permits; 17178

(2) Supervise and conduct funeral ceremonies ~~and~~, interments, 17179

and entombments in this state. 17180

(C) The board of embalmers and funeral directors may 17181  
determine under what conditions a courtesy card permit may be 17182  
issued to funeral directors in bordering states after taking into 17183  
account whether and under what conditions and fees such border 17184  
states issue similar courtesy ~~eards~~ card permits to funeral 17185  
directors licensed in this state. A courtesy card permit holder 17186  
shall comply with all applicable laws and rules of this state 17187  
while engaged in any acts of funeral directing in this state. The 17188  
board may revoke or suspend a courtesy card permit or subject a 17189  
courtesy card permit holder to discipline in accordance with the 17190  
laws, rules, and procedures applicable to funeral director 17191  
licensees under this chapter. Applicants for courtesy ~~eards~~ card 17192  
permits shall apply on forms prescribed by the board, pay a 17193  
biennial fee set by the board for initial applications and 17194  
renewals, and adhere to such other requirements imposed by the 17195  
board on courtesy ~~cardholders~~ card permit holders. 17196

(D) No courtesy ~~cardholder~~ card permit holder shall be 17197  
authorized to undertake any of the following activities in this 17198  
state: 17199

(1) Arranging funerals or disposition services with members 17200  
of the public in this state; 17201

(2) Be employed by or under contract to a funeral home 17202  
licensed in this state to perform funeral services in this state; 17203

(3) Advertise funeral or disposition services in this state; 17204

(4) Enter into or execute funeral or disposition contracts in 17205  
this state; 17206

(5) Prepare or embalm deceased human remains in this state; 17207

(6) Arrange for or carry out the disinterment of human 17208  
remains in this state. 17209

(E) As used in this section, "courtesy card permit" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.

**Sec. 4723.28.** (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license, certificate of authority, or dialysis technician certificate issued by the board or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license, certificate of authority, or dialysis technician certificate issued by the board: deny, revoke, suspend, or place restrictions on any nursing license, certificate of authority, or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license, certificate of authority, or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation.

(B) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license, certificate of authority, or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license, certificate of authority, or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including nursing or practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing or engaging in practice as a dialysis technician, having failed to renew a nursing license or dialysis technician certificate issued under this chapter, or while a nursing license or dialysis technician certificate is under suspension;

(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude;

(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;

(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio;

(7) Conviction of, a plea of guilty to, a judicial finding of

guilt of, a judicial finding of guilt resulting from a plea of no 17272  
contest to, or a judicial finding of eligibility for a pretrial 17273  
diversion or similar program or for intervention in lieu of 17274  
conviction for, an act in the course of practice in another 17275  
jurisdiction that would constitute a misdemeanor in Ohio; 17276

(8) Self-administering or otherwise taking into the body any 17277  
dangerous drug, as defined in section 4729.01 of the Revised Code, 17278  
in any way that is not in accordance with a legal, valid 17279  
prescription issued for that individual, or self-administering or 17280  
otherwise taking into the body any drug that is a schedule I 17281  
controlled substance; 17282

(9) Habitual or excessive use of controlled substances, other 17283  
habit-forming drugs, or alcohol or other chemical substances to an 17284  
extent that impairs the individual's ability to provide safe 17285  
nursing care or safe dialysis care; 17286

(10) Impairment of the ability to practice according to 17287  
acceptable and prevailing standards of safe nursing care or safe 17288  
dialysis care because of the use of drugs, alcohol, or other 17289  
chemical substances; 17290

(11) Impairment of the ability to practice according to 17291  
acceptable and prevailing standards of safe nursing care or safe 17292  
dialysis care because of a physical or mental disability; 17293

(12) Assaulting or causing harm to a patient or depriving a 17294  
patient of the means to summon assistance; 17295

(13) Misappropriation or attempted misappropriation of money 17296  
or anything of value in the course of practice; 17297

(14) Adjudication by a probate court of being mentally ill or 17298  
mentally incompetent. The board may reinstate the person's nursing 17299  
license or dialysis technician certificate upon adjudication by a 17300  
probate court of the person's restoration to competency or upon 17301  
submission to the board of other proof of competency. 17302

(15) The suspension or termination of employment by the	17303
department of defense or the veterans administration of the United	17304
States for any act that violates or would violate this chapter;	17305
(16) Violation of this chapter or any rules adopted under it;	17306
(17) Violation of any restrictions placed by the board on a	17307
nursing license or dialysis technician certificate;	17308
(18) Failure to use universal and standard precautions	17309
established by rules adopted under section 4723.07 of the Revised	17310
Code;	17311
(19) Failure to practice in accordance with acceptable and	17312
prevailing standards of safe nursing care or safe dialysis care;	17313
(20) In the case of a registered nurse, engaging in	17314
activities that exceed the practice of nursing as a registered	17315
nurse;	17316
(21) In the case of a licensed practical nurse, engaging in	17317
activities that exceed the practice of nursing as a licensed	17318
practical nurse;	17319
(22) In the case of a dialysis technician, engaging in	17320
activities that exceed those permitted under section 4723.72 of	17321
the Revised Code;	17322
(23) Aiding and abetting a person in that person's practice	17323
of nursing without a license or practice as a dialysis technician	17324
without a certificate issued under this chapter;	17325
(24) In the case of a certified registered nurse anesthetist,	17326
clinical nurse specialist, certified nurse-midwife, or certified	17327
nurse practitioner, except as provided in division (M) of this	17328
section, either of the following:	17329
(a) Waiving the payment of all or any part of a deductible or	17330
copayment that a patient, pursuant to a health insurance or health	17331
care policy, contract, or plan that covers such nursing services,	17332

would otherwise be required to pay if the waiver is used as an 17333  
enticement to a patient or group of patients to receive health 17334  
care services from that provider; 17335

(b) Advertising that the nurse will waive the payment of all 17336  
or any part of a deductible or copayment that a patient, pursuant 17337  
to a health insurance or health care policy, contract, or plan 17338  
that covers such nursing services, would otherwise be required to 17339  
pay. 17340

(25) Failure to comply with the terms and conditions of 17341  
participation in the chemical dependency monitoring program 17342  
established under section 4723.35 of the Revised Code; 17343

(26) Failure to comply with the terms and conditions required 17344  
under the practice intervention and improvement program 17345  
established under section 4723.282 of the Revised Code; 17346

(27) In the case of a certified registered nurse anesthetist, 17347  
clinical nurse specialist, certified nurse-midwife, or certified 17348  
nurse practitioner: 17349

(a) Engaging in activities that exceed those permitted for 17350  
the nurse's nursing specialty under section 4723.43 of the Revised 17351  
Code; 17352

(b) Failure to meet the quality assurance standards 17353  
established under section 4723.07 of the Revised Code. 17354

(28) In the case of a clinical nurse specialist, certified 17355  
nurse-midwife, or certified nurse practitioner, failure to 17356  
maintain a standard care arrangement in accordance with section 17357  
4723.431 of the Revised Code or to practice in accordance with the 17358  
standard care arrangement; 17359

(29) In the case of a clinical nurse specialist, certified 17360  
nurse-midwife, or certified nurse practitioner who holds a 17361  
certificate to prescribe issued under section 4723.48 of the 17362

Revised Code, failure to prescribe drugs and therapeutic devices	17363
in accordance with section 4723.481 of the Revised Code;	17364
(30) Prescribing any drug or device to perform or induce an	17365
abortion, or otherwise performing or inducing an abortion;	17366
(31) Failure to establish and maintain professional	17367
boundaries with a patient, as specified in rules adopted under	17368
section 4723.07 of the Revised Code;	17369
(32) Regardless of whether the contact or verbal behavior is	17370
consensual, engaging with a patient other than the spouse of the	17371
registered nurse, licensed practical nurse, or dialysis technician	17372
in any of the following:	17373
(a) Sexual contact, as defined in section 2907.01 of the	17374
Revised Code;	17375
(b) Verbal behavior that is sexually demeaning to the patient	17376
or may be reasonably interpreted by the patient as sexually	17377
demeaning.	17378
(33) Assisting suicide as defined in section 3795.01 of the	17379
Revised Code;	17380
<u>(34) Failure to comply with section 4723.487 of the Revised</u>	17381
<u>Code, unless the state board of pharmacy no longer maintains a</u>	17382
<u>drug database pursuant to section 4729.75 of the Revised Code.</u>	17383
(C) Disciplinary actions taken by the board under divisions	17384
(A) and (B) of this section shall be taken pursuant to an	17385
adjudication conducted under Chapter 119. of the Revised Code,	17386
except that in lieu of a hearing, the board may enter into a	17387
consent agreement with an individual to resolve an allegation of a	17388
violation of this chapter or any rule adopted under it. A consent	17389
agreement, when ratified by a vote of a quorum, shall constitute	17390
the findings and order of the board with respect to the matter	17391
addressed in the agreement. If the board refuses to ratify a	17392



consent agreement, the admissions and findings contained in the 17393  
agreement shall be of no effect. 17394

(D) The hearings of the board shall be conducted in 17395  
accordance with Chapter 119. of the Revised Code, the board may 17396  
appoint a hearing examiner, as provided in section 119.09 of the 17397  
Revised Code, to conduct any hearing the board is authorized to 17398  
hold under Chapter 119. of the Revised Code. 17399

In any instance in which the board is required under Chapter 17400  
119. of the Revised Code to give notice of an opportunity for a 17401  
hearing and the applicant, licensee, or certificate holder does 17402  
not make a timely request for a hearing in accordance with section 17403  
119.07 of the Revised Code, the board is not required to hold a 17404  
hearing, but may adopt, by a vote of a quorum, a final order that 17405  
contains the board's findings. In the final order, the board may 17406  
order any of the sanctions listed in division (A) or (B) of this 17407  
section. 17408

(E) If a criminal action is brought against a registered 17409  
nurse, licensed practical nurse, or dialysis technician for an act 17410  
or crime described in divisions (B)(3) to (7) of this section and 17411  
the action is dismissed by the trial court other than on the 17412  
merits, the board shall conduct an adjudication to determine 17413  
whether the registered nurse, licensed practical nurse, or 17414  
dialysis technician committed the act on which the action was 17415  
based. If the board determines on the basis of the adjudication 17416  
that the registered nurse, licensed practical nurse, or dialysis 17417  
technician committed the act, or if the registered nurse, licensed 17418  
practical nurse, or dialysis technician fails to participate in 17419  
the adjudication, the board may take action as though the 17420  
registered nurse, licensed practical nurse, or dialysis technician 17421  
had been convicted of the act. 17422

If the board takes action on the basis of a conviction, plea, 17423  
or a judicial finding as described in divisions (B)(3) to (7) of 17424

this section that is overturned on appeal, the registered nurse, 17425  
licensed practical nurse, or dialysis technician may, on 17426  
exhaustion of the appeal process, petition the board for 17427  
reconsideration of its action. On receipt of the petition and 17428  
supporting court documents, the board shall temporarily rescind 17429  
its action. If the board determines that the decision on appeal 17430  
was a decision on the merits, it shall permanently rescind its 17431  
action. If the board determines that the decision on appeal was 17432  
not a decision on the merits, it shall conduct an adjudication to 17433  
determine whether the registered nurse, licensed practical nurse, 17434  
or dialysis technician committed the act on which the original 17435  
conviction, plea, or judicial finding was based. If the board 17436  
determines on the basis of the adjudication that the registered 17437  
nurse, licensed practical nurse, or dialysis technician committed 17438  
such act, or if the registered nurse, licensed practical nurse, or 17439  
dialysis technician does not request an adjudication, the board 17440  
shall reinstate its action; otherwise, the board shall permanently 17441  
rescind its action. 17442

Notwithstanding the provision of division (C)(2) of section 17443  
2953.32 of the Revised Code specifying that if records pertaining 17444  
to a criminal case are sealed under that section the proceedings 17445  
in the case shall be deemed not to have occurred, sealing of the 17446  
following records on which the board has based an action under 17447  
this section shall have no effect on the board's action or any 17448  
sanction imposed by the board under this section: records of any 17449  
conviction, guilty plea, judicial finding of guilt resulting from 17450  
a plea of no contest, or a judicial finding of eligibility for a 17451  
pretrial diversion program or intervention in lieu of conviction. 17452

The board shall not be required to seal, destroy, redact, or 17453  
otherwise modify its records to reflect the court's sealing of 17454  
conviction records. 17455

(F) The board may investigate an individual's criminal 17456

background in performing its duties under this section. As part of 17457  
such investigation, the board may order the individual to submit, 17458  
at the individual's expense, a request to the bureau of criminal 17459  
identification and investigation for a criminal records check and 17460  
check of federal bureau of investigation records in accordance 17461  
with the procedure described in section 4723.091 of the Revised 17462  
Code. 17463

(G) During the course of an investigation conducted under 17464  
this section, the board may compel any registered nurse, licensed 17465  
practical nurse, or dialysis technician or applicant under this 17466  
chapter to submit to a mental or physical examination, or both, as 17467  
required by the board and at the expense of the individual, if the 17468  
board finds reason to believe that the individual under 17469  
investigation may have a physical or mental impairment that may 17470  
affect the individual's ability to provide safe nursing care. 17471  
Failure of any individual to submit to a mental or physical 17472  
examination when directed constitutes an admission of the 17473  
allegations, unless the failure is due to circumstances beyond the 17474  
individual's control, and a default and final order may be entered 17475  
without the taking of testimony or presentation of evidence. 17476

If the board finds that an individual is impaired, the board 17477  
shall require the individual to submit to care, counseling, or 17478  
treatment approved or designated by the board, as a condition for 17479  
initial, continued, reinstated, or renewed authority to practice. 17480  
The individual shall be afforded an opportunity to demonstrate to 17481  
the board that the individual can begin or resume the individual's 17482  
occupation in compliance with acceptable and prevailing standards 17483  
of care under the provisions of the individual's authority to 17484  
practice. 17485

For purposes of this division, any registered nurse, licensed 17486  
practical nurse, or dialysis technician or applicant under this 17487  
chapter shall be deemed to have given consent to submit to a 17488

mental or physical examination when directed to do so in writing 17489  
by the board, and to have waived all objections to the 17490  
admissibility of testimony or examination reports that constitute 17491  
a privileged communication. 17492

(H) The board shall investigate evidence that appears to show 17493  
that any person has violated any provision of this chapter or any 17494  
rule of the board. Any person may report to the board any 17495  
information the person may have that appears to show a violation 17496  
of any provision of this chapter or rule of the board. In the 17497  
absence of bad faith, any person who reports such information or 17498  
who testifies before the board in any adjudication conducted under 17499  
Chapter 119. of the Revised Code shall not be liable for civil 17500  
damages as a result of the report or testimony. 17501

(I) All of the following apply under this chapter with 17502  
respect to the confidentiality of information: 17503

(1) Information received by the board pursuant to a complaint 17504  
or an investigation is confidential and not subject to discovery 17505  
in any civil action, except that the board may disclose 17506  
information to law enforcement officers and government entities 17507  
for purposes of an investigation of either a licensed health care 17508  
professional, including a registered nurse, licensed practical 17509  
nurse, or dialysis technician, or a person who may have engaged in 17510  
the unauthorized practice of nursing or dialysis care. No law 17511  
enforcement officer or government entity with knowledge of any 17512  
information disclosed by the board pursuant to this division shall 17513  
divulge the information to any other person or government entity 17514  
except for the purpose of a government investigation, a 17515  
prosecution, or an adjudication by a court or government entity. 17516

(2) If an investigation requires a review of patient records, 17517  
the investigation and proceeding shall be conducted in such a 17518  
manner as to protect patient confidentiality. 17519

(3) All adjudications and investigations of the board shall 17520  
be considered civil actions for the purposes of section 2305.252 17521  
of the Revised Code. 17522

(4) Any board activity that involves continued monitoring of 17523  
an individual as part of or following any disciplinary action 17524  
taken under this section shall be conducted in a manner that 17525  
maintains the individual's confidentiality. Information received 17526  
or maintained by the board with respect to the board's monitoring 17527  
activities is not subject to discovery in any civil action and is 17528  
confidential, except that the board may disclose information to 17529  
law enforcement officers and government entities for purposes of 17530  
an investigation of a licensee or certificate holder. 17531

(J) Any action taken by the board under this section 17532  
resulting in a suspension from practice shall be accompanied by a 17533  
written statement of the conditions under which the person may be 17534  
reinstated to practice. 17535

(K) When the board refuses to grant a license or certificate 17536  
to an applicant, revokes a license or certificate, or refuses to 17537  
reinstate a license or certificate, the board may specify that its 17538  
action is permanent. An individual subject to permanent action 17539  
taken by the board is forever ineligible to hold a license or 17540  
certificate of the type that was refused or revoked and the board 17541  
shall not accept from the individual an application for 17542  
reinstatement of the license or certificate or for a new license 17543  
or certificate. 17544

(L) No unilateral surrender of a nursing license, certificate 17545  
of authority, or dialysis technician certificate issued under this 17546  
chapter shall be effective unless accepted by majority vote of the 17547  
board. No application for a nursing license, certificate of 17548  
authority, or dialysis technician certificate issued under this 17549  
chapter may be withdrawn without a majority vote of the board. The 17550  
board's jurisdiction to take disciplinary action under this 17551

section is not removed or limited when an individual has a license 17552  
or certificate classified as inactive or fails to renew a license 17553  
or certificate. 17554

(M) Sanctions shall not be imposed under division (B)(24) of 17555  
this section against any licensee who waives deductibles and 17556  
copayments as follows: 17557

(1) In compliance with the health benefit plan that expressly 17558  
allows such a practice. Waiver of the deductibles or copayments 17559  
shall be made only with the full knowledge and consent of the plan 17560  
purchaser, payer, and third-party administrator. Documentation of 17561  
the consent shall be made available to the board upon request. 17562

(2) For professional services rendered to any other person 17563  
licensed pursuant to this chapter to the extent allowed by this 17564  
chapter and the rules of the board. 17565

Sec. 4723.433. When an advanced practice registered nurse 17566  
orders a test for the presence of Lyme disease in a patient, the 17567  
nurse or nurse's delegate shall provide to the patient or 17568  
patient's representative a written notice with the following 17569  
information: 17570

"Your health care provider has ordered a test for the 17571  
presence of Lyme disease. Current testing for Lyme disease can be 17572  
problematic and may lead to false results. If you are tested for 17573  
Lyme disease and the results are positive, this does not 17574  
necessarily mean that you have contracted Lyme disease. In the 17575  
alternative, if the results are negative, this does not 17576  
necessarily mean that you have not contracted Lyme disease. If you 17577  
continue to experience symptoms or have other health concerns, you 17578  
should contact your health care provider and inquire about the 17579  
appropriateness of additional testing or treatment." 17580

The nurse or nurse's delegate shall obtain a signature from 17581

the patient or patient's representative indicating receipt of the 17582  
notice. The document containing the signature shall be kept in the 17583  
patient's record. 17584

**Sec. 4723.486.** (A) A certificate to prescribe issued under 17585  
section 4723.48 of the Revised Code that is not issued as an 17586  
externship certificate is valid for two years, unless otherwise 17587  
provided in rules adopted under section 4723.50 of the Revised 17588  
Code or earlier suspended or revoked by the board. The board of 17589  
nursing shall renew certificates to prescribe according to 17590  
procedures and a renewal schedule established in rules adopted 17591  
under section 4723.50 of the Revised Code. 17592

(B) The Except as provided in division (C) of this section, 17593  
the board may renew a certificate to prescribe if the holder 17594  
submits to the board all of the following: 17595

(1) Evidence of having completed during the previous two 17596  
years at least twelve hours of continuing education in advanced 17597  
pharmacology, or, if the certificate has been held for less than a 17598  
full renewal period, the number of hours required by the board in 17599  
rules adopted under section 4723.50 of the Revised Code; 17600

(2) The fee required under section 4723.08 of the Revised 17601  
Code for renewal of a certificate to prescribe; 17602

(3) Any additional information the board requires pursuant to 17603  
rules adopted under section 4723.50 of the Revised Code. 17604

(C)(1) Except as provided in division (C)(2) of this section, 17605  
in the case of a certificate holder seeking renewal who prescribes 17606  
opioid analgesics or benzodiazepines, the holder shall certify to 17607  
the board whether the holder has been granted access to the drug 17608  
database established and maintained by the state board of pharmacy 17609  
pursuant to section 4729.75 of the Revised Code. 17610

(2) The requirement in division (C)(1) of this section does 17611

not apply if either of the following is the case: 17612

(a) The state board of pharmacy notifies the board of nursing pursuant to section 4729.861 of the Revised Code that the certificate holder has been restricted from obtaining further information from the drug database. 17613  
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(b) The state board of pharmacy no longer maintains the drug database. 17617  
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(3) If a certificate holder certifies to the board of nursing that the holder has been granted access to the drug database and the board finds through an audit or other means that the holder has not been granted access, the board may take action under section 4723.28 of the Revised Code. 17619  
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(D) The continuing education in pharmacology required under division (B)(1) of this section must be received from an accredited institution recognized by the board. The hours of continuing education required are in addition to any other continuing education requirement that must be completed pursuant to this chapter. 17624  
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**Sec. 4723.487.** (A) As used in this section, "drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 17630  
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(B) The Except as provided in divisions (C) and (E) of this section, an advanced practice registered nurse holding a certificate to prescribe issued under this chapter shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine as part of a patient's course of treatment for a particular condition: 17633  
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(1) Before initially prescribing the drug, the nurse or the nurse's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve 17639  
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months immediately preceding the date of the request. If the nurse practices primarily in a county of this state that adjoins another state, the nurse or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county. 17642  
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(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the nurse or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database. 17648  
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(3) On receipt of a report under division (B)(1) or (2) of this section, the nurse shall assess the information in the report. The nurse shall document in the patient's record that the report was received and the information was assessed. 17657  
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(C) Division (B) of this section does not apply if in any of the following circumstances: 17661  
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(1) A drug database report regarding the patient is not available, in which case the nurse shall document in the patient's record the reason that the report is not available. 17663  
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(2) The drug is prescribed in an amount indicated for a period not to exceed seven days. 17666  
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(3) The drug is prescribed for the treatment of cancer or another condition associated with cancer. 17668  
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(4) The drug is prescribed to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill. 17670  
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(5) The drug is prescribed for administration in a hospital, 17673  
nursing home, or residential care facility. 17674

(D) With respect to prescribing any drug that is not an 17675  
opioid analgesic or a benzodiazepine but is included in the drug 17676  
database pursuant to rules adopted under section 4729.84 of the 17677  
Revised Code, the board of nursing shall adopt rules in accordance 17678  
with Chapter 119. of the Revised Code that establish standards and 17679  
procedures to be followed by an advanced practice registered nurse 17680  
with a certificate to prescribe issued under section 4723.48 of 17681  
the Revised Code regarding the review of patient information 17682  
available through the drug database under division (A)(5) of 17683  
section 4729.80 of the Revised Code. The rules shall be adopted in 17684  
accordance with Chapter 119. of the Revised Code. 17685

~~(C)~~(E) This section and the rules adopted under it do not 17686  
apply if the state board of pharmacy no longer maintains the drug 17687  
database. 17688

**Sec. 4725.01.** As used in this chapter: 17689

(A)(1) The "practice of optometry" means the application of 17690  
optical principles, through technical methods and devices, in the 17691  
examination of human eyes for the purpose of ascertaining 17692  
departures from the normal, measuring their functional powers, 17693  
adapting optical accessories for the aid thereof, and detecting 17694  
ocular abnormalities that may be evidence of disease, pathology, 17695  
or injury. 17696

(2) In the case of a licensed optometrist who holds a topical 17697  
ocular pharmaceutical agents certificate, the "practice of 17698  
optometry" has the same meaning as in division (A)(1) of this 17699  
section, except that it also includes administering topical ocular 17700  
pharmaceutical agents. 17701

(3) In the case of a licensed optometrist who holds a 17702

therapeutic pharmaceutical agents certificate, the "practice of  
optometry" has the same meaning as in division (A)(1) of this  
section, except that it also includes all of the following:

(a) Employing, applying, administering, and prescribing  
instruments, devices, and procedures, other than invasive  
procedures, for purpose of examination, investigation, diagnosis,  
treatment, or prevention of any disease, injury, or other abnormal  
condition of the visual system;

(b) Employing, applying, administering, and prescribing  
topical ocular pharmaceutical agents;

(c) Employing, applying, administering, and prescribing  
therapeutic pharmaceutical agents;

(d) Assisting an individual in determining the individual's  
blood glucose level by using a commercially available  
glucose-monitoring device. Nothing in this section precludes a  
licensed optometrist who holds a therapeutic pharmaceutical agents  
certificate from using any particular type of commercially  
available glucose-monitoring device.

(B) "Topical ocular pharmaceutical agent" means a drug or  
dangerous drug that is a topical drug and used in the practice of  
optometry as follows:

(1) In the case of a licensed optometrist who holds a topical  
ocular pharmaceutical agents certificate, for evaluative purposes  
in the practice of optometry as set forth in division (A)(1) of  
this section;

(2) In the case of a licensed optometrist who holds a  
therapeutic pharmaceutical agents certificate, for purposes of  
examination, investigation, diagnosis, treatment, or prevention of  
any disease, injury, or other abnormal condition of the visual  
system.

(C) "Therapeutic pharmaceutical agent" means a drug or 17733  
dangerous drug that is used for examination, investigation, 17734  
diagnosis, treatment, or prevention of any disease, injury, or 17735  
other abnormal condition of the visual system in the practice of 17736  
optometry by a licensed optometrist who holds a therapeutic 17737  
pharmaceutical agents certificate, and is any of the following: 17738

(1) An oral drug or dangerous drug in one of the following 17739  
classifications: 17740

(a) Anti-infectives, including antibiotics, antivirals, 17741  
antimicrobials, and antifungals; 17742

(b) Anti-allergy agents; 17743

(c) Antiglaucoma agents; 17744

(d) Analgesics, including only analgesic drugs that are 17745  
available without a prescription, analgesic drugs or dangerous 17746  
drugs that require a prescription but are not controlled 17747  
substances, and ~~schedule III~~ analgesic drugs that are controlled 17748  
substances and authorized by the state board of optometry in rules 17749  
adopted under section 4725.091 of the Revised Code; 17750

(e) Anti-inflammatories, excluding all drugs or dangerous 17751  
drugs classified as oral steroids other than methylpredisolone, 7 17752  
except that methylpredisolone may be used under a therapeutic 17753  
pharmaceutical agents certificate only if it is prescribed under 17754  
all of the following conditions: 17755

(i) For use in allergy cases; 17756

(ii) For use by an individual who is eighteen years of age or 17757  
older; 17758

(iii) On the basis of an individual's particular episode of 17759  
illness; 17760

(iv) In an amount that does not exceed the amount packaged 17761  
for a single course of therapy. 17762

(2) Epinephrine administered by injection to individuals in 17763  
emergency situations to counteract anaphylaxis or anaphylactic 17764  
shock. Notwithstanding any provision of this section to the 17765  
contrary, administration of epinephrine in this manner does not 17766  
constitute performance of an invasive procedure. 17767

(3) An oral drug or dangerous drug that is not included under 17768  
division (C)(1) of this section, if the drug or dangerous drug is 17769  
approved, exempt from approval, certified, or exempt from 17770  
certification by the federal food and drug administration for 17771  
ophthalmic purposes and the drug or dangerous drug is specified in 17772  
rules adopted by the state board of optometry under section 17773  
4725.09 of the Revised Code. 17774

(D) "Controlled substance" has the same meaning as in section 17775  
3719.01 of the Revised Code. 17776

(E) "Drug" and "dangerous drug" have the same meanings as in 17777  
section 4729.01 of the Revised Code. 17778

(F) "Invasive procedure" means any procedure that involves 17779  
cutting or otherwise infiltrating human tissue by mechanical means 17780  
including surgery, laser surgery, ionizing radiation, therapeutic 17781  
ultrasound, administering medication by injection, or the removal 17782  
of intraocular foreign bodies. 17783

(G) "Visual system" means the human eye and its accessory or 17784  
subordinate anatomical parts. 17785

(H) "Certificate of licensure" means a certificate issued by 17786  
the state board of optometry under section 4725.13 of the Revised 17787  
Code authorizing the holder to practice optometry as provided in 17788  
division (A)(1) of this section. 17789

(I) "Topical ocular pharmaceutical agents certificate" means 17790  
a certificate issued by the state board of optometry under section 17791  
4725.13 of the Revised Code authorizing the holder to practice 17792  
optometry as provided in division (A)(2) of this section. 17793

(J) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the state board of optometry under division (A)(3) or (4) of section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(3) of this section.

**Sec. 4725.091.** (A) The state board of optometry shall adopt rules governing the authority of licensed optometrists practicing under therapeutic pharmaceutical agents certificates to employ, apply, administer, and prescribe ~~schedule III analgesic drugs that are controlled substances under a therapeutic pharmaceutical agents certificate~~. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and in consultation with the state board of pharmacy.

(B) All of the following apply to the state board of optometry in the adoption of rules under this section:

(1) The board shall not permit an optometrist to employ, apply, administer, or prescribe ~~a schedule III an analgesic drug that is a controlled substance other than a drug that is either of the following:~~

(a) A drug that is included in section 3719.41 of the Revised Code within the schedule III narcotics-narcotic preparations category;

(b) A drug that immediately prior to the effective date of this amendment was included in section 3719.41 of the Revised Code within the schedule III narcotics-narcotic preparations category, even if that drug subsequently is transferred to a different schedule or category by the general assembly, the state board of pharmacy pursuant to section 3719.44 of the Revised Code, or the United States attorney general pursuant to the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code.

(2) The board shall limit the ~~schedule III~~ analgesic drugs 17824  
that are controlled substances that optometrists may employ, 17825  
apply, administer, or prescribe to the drugs that the board 17826  
determines are appropriate for use in the practice of optometry 17827  
under a therapeutic pharmaceutical agents certificate. 17828

(3) With regard to the prescribing of ~~schedule III~~ analgesic 17829  
drugs that are controlled substances, the board shall establish 17830  
prescribing standards to be followed by optometrists who hold 17831  
therapeutic pharmaceutical agents certificates. The board shall 17832  
take into account the prescribing standards that exist within the 17833  
health care marketplace. 17834

(4) The board shall establish standards and procedures for 17835  
employing, applying, administering, and prescribing ~~schedule III~~ 17836  
analgesic drugs that are controlled substances under a therapeutic 17837  
pharmaceutical agents certificate by taking into consideration and 17838  
examining issues that include the appropriate length of drug 17839  
therapy, appropriate standards for drug treatment, necessary 17840  
monitoring systems, and any other factors the board considers 17841  
relevant. 17842

**Sec. 4725.092.** (A) As used in this section, "drug database" 17843  
means the database established and maintained by the state board 17844  
of pharmacy pursuant to section 4729.75 of the Revised Code. 17845

(B) The Except as provided in divisions (C) and (E) of this 17846  
section, an optometrist holding a therapeutic pharmaceutical 17847  
agents certificate shall comply with all of the following as 17848  
conditions of prescribing a drug that is either an opioid 17849  
analgesic or a benzodiazepine, or personally furnishing a complete 17850  
or partial supply of such a drug, as part of a patient's course of 17851  
treatment for a particular condition: 17852

(1) Before initially prescribing or furnishing the drug, the 17853  
optometrist or the optometrist's delegate shall request from the 17854

drug database a report of information related to the patient that 17855  
covers at least the twelve months immediately preceding the date 17856  
of the request. If the optometrist practices primarily in a county 17857  
of this state that adjoins another state, the optometrist or 17858  
delegate also shall request a report of any information available 17859  
in the drug database that pertains to prescriptions issued or 17860  
drugs furnished to the patient in the state adjoining that county. 17861

(2) If the patient's course of treatment for the condition 17862  
continues for more than ninety days after the initial report is 17863  
requested, the optometrist or delegate shall make periodic 17864  
requests for reports of information from the drug database until 17865  
the course of treatment has ended. The requests shall be made at 17866  
intervals not exceeding ninety days, determined according to the 17867  
date the initial request was made. The request shall be made in 17868  
the same manner provided in division (B)(1) of this section for 17869  
requesting the initial report of information from the drug 17870  
database. 17871

(3) On receipt of a report under division (B)(1) or (2) of 17872  
this section, the optometrist shall assess the information in the 17873  
report. The optometrist shall document in the patient's record 17874  
that the report was received and the information was assessed. 17875

(C)(1) Division (B) of this section does not apply if a drug 17876  
database report regarding the patient is not available. In this 17877  
event, the optometrist shall document in the patient's record the 17878  
reason that the report is not available. 17879

(2) Division (B) of this section does not apply if the drug 17880  
is prescribed or personally furnished in an amount indicated for a 17881  
period not to exceed seven days. 17882

(D) With respect to prescribing or personally furnishing any 17883  
drug that is not an opioid analgesic or a benzodiazepine but is 17884  
included in the drug database pursuant to rules adopted under 17885



section 4729.84 of the Revised Code, the state board of optometry shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards and procedures to be followed by an optometrist who holds a therapeutic pharmaceutical agents certificate regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

~~(C)~~(E) This section and the rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database.

**Sec. 4725.16.** (A)(1) Each certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate issued by the state board of optometry shall expire annually on the last day of December, and may be renewed in accordance with this section and the standard renewal procedure established under Chapter 4745. of the Revised Code.

(2) An optometrist seeking to continue to practice optometry shall file with the board an application for license renewal. The application shall be in such form and require such pertinent professional biographical data as the board may require.

(3)(a) Except as provided in division (A)(3)(b) of this section, in the case of an optometrist seeking renewal who holds a topical ocular pharmaceutical agents certificate and who prescribes or personally furnishes opioid analgesics or benzodiazepines, the optometrist shall certify to the board whether the optometrist has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division (A)(3)(a) of this section

does not apply if either of the following is the case: 17917

(i) The state board of pharmacy notifies the state board of optometry pursuant to section 4729.861 of the Revised Code that the certificate holder has been restricted from obtaining further information from the drug database. 17918  
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(ii) The state board of pharmacy no longer maintains the drug database. 17922  
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(c) If an optometrist certifies to the state board of optometry that the optometrist has been granted access to the drug database and the board finds through an audit or other means that the optometrist has not been granted access, the board may take action under section 4725.19 of the Revised Code. 17924  
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(B) All licensed optometrists shall annually complete continuing education in subjects relating to the practice of optometry, to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure comprehensive care to the public. The board shall prescribe by rule the continuing optometric education that licensed optometrists must complete. The length of study shall be twenty-five clock hours each year, including ten clock hours of instruction in pharmacology to be completed by all licensed optometrists. 17929  
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Unless the continuing education required under this division is waived or deferred under division (D) of this section, the continuing education must be completed during the twelve-month period beginning on the first day of October and ending on the last day of September. If the board receives notice from a continuing education program indicating that an optometrist completed the program after the last day of September, and the optometrist wants to use the continuing education completed after that day to renew the license that expires on the last day of 17939  
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December of that year, the optometrist shall pay the penalty 17948  
specified under section 4725.34 of the Revised Code for late 17949  
completion of continuing education. 17950

At least once annually, the board shall post on its web site 17951  
and shall mail, or send by electronic mail, to each licensed 17952  
optometrist a list of courses approved in accordance with 17953  
standards prescribed by board rule. Upon the request of a licensed 17954  
optometrist, the executive director of the board shall supply a 17955  
list of additional courses that the board has approved subsequent 17956  
to the most recent web site posting, electronic mail transmission, 17957  
or mailing of the list of approved courses. 17958

(C)(1) Annually, not later than the first day of November, 17959  
the board shall mail or send by electronic mail a notice regarding 17960  
license renewal to each licensed optometrist who may be eligible 17961  
for renewal. The notice shall be sent to the optometrist's most 17962  
recent electronic mail or mailing address shown in the board's 17963  
records. If the board knows that the optometrist has completed the 17964  
required continuing optometric education for the year, the board 17965  
may include with the notice an application for license renewal. 17966

(2) Filing a license renewal application with the board shall 17967  
serve as notice by the optometrist that the continuing optometric 17968  
education requirement has been successfully completed. If the 17969  
board finds that an optometrist has not completed the required 17970  
continuing optometric education, the board shall disapprove the 17971  
optometrist's application. The board's disapproval of renewal is 17972  
effective without a hearing, unless a hearing is requested 17973  
pursuant to Chapter 119. of the Revised Code. 17974

(3) The board shall refuse to accept an application for 17975  
renewal from any applicant whose license is not in good standing 17976  
or who is under disciplinary review pursuant to section 4725.19 of 17977  
the Revised Code. 17978

(4) Notice of an applicant's failure to qualify for renewal 17979  
shall be served upon the applicant by mail. The notice shall be 17980  
sent not later than the fifteenth day of November to the 17981  
applicant's last address shown in the board's records. 17982

(D) In cases of certified illness or undue hardship, the 17983  
board may waive or defer for up to twelve months the requirement 17984  
of continuing optometric education, except that in such cases the 17985  
board may not waive or defer the continuing education in 17986  
pharmacology required to be completed by optometrists who hold 17987  
topical ocular pharmaceutical agents certificates or therapeutic 17988  
pharmaceutical agents certificates. The board shall waive the 17989  
requirement of continuing optometric education for any optometrist 17990  
who is serving on active duty in the armed forces of the United 17991  
States or a reserve component of the armed forces of the United 17992  
States, including the Ohio national guard or the national guard of 17993  
any other state or who has received an initial certificate of 17994  
licensure during the nine-month period which ended on the last day 17995  
of September. 17996

(E) An optometrist whose renewal application has been 17997  
approved may renew each certificate held by paying to the 17998  
treasurer of state the fees for renewal specified under section 17999  
4725.34 of the Revised Code. On payment of all applicable fees, 18000  
the board shall issue a renewal of the optometrist's certificate 18001  
of licensure, topical ocular pharmaceutical agents certificate, 18002  
and therapeutic pharmaceutical agents certificate, as appropriate. 18003

(F) Not later than the fifteenth day of December, the board 18004  
shall mail or send by electronic mail a second notice regarding 18005  
license renewal to each licensed optometrist who may be eligible 18006  
for renewal but did not respond to the notice sent under division 18007  
(C)(1) of this section. The notice shall be sent to the 18008  
optometrist's most recent electronic mail or mailing address shown 18009  
in the board's records. If an optometrist fails to file a renewal 18010

application after the second notice is sent, the board shall send 18011  
a third notice regarding license renewal prior to any action under 18012  
division (I) of this section to classify the optometrist's 18013  
certificates as delinquent. 18014

(G) The failure of an optometrist to apply for license 18015  
renewal or the failure to pay the applicable annual renewal fees 18016  
on or before the date of expiration, shall automatically work a 18017  
forfeiture of the optometrist's authority to practice optometry in 18018  
this state. 18019

(H) The board shall accept renewal applications and renewal 18020  
fees that are submitted from the first day of January to the last 18021  
day of April of the year next succeeding the date of expiration. 18022  
An individual who submits such a late renewal application or fee 18023  
shall pay the late renewal fee specified in section 4725.34 of the 18024  
Revised Code. 18025

(I)(1) If the certificates issued by the board to an 18026  
individual have expired and the individual has not filed a 18027  
complete application during the late renewal period, the 18028  
individual's certificates shall be classified in the board's 18029  
records as delinquent. 18030

(2) Any optometrist subject to delinquent classification may 18031  
submit a written application to the board for reinstatement. For 18032  
reinstatement to occur, the applicant must meet all of the 18033  
following conditions: 18034

(a) Submit to the board evidence of compliance with board 18035  
rules requiring continuing optometric education in a sufficient 18036  
number of hours to make up for any delinquent compliance; 18037

(b) Pay the renewal fees for the year in which application 18038  
for reinstatement is made and the reinstatement fee specified 18039  
under division (A)(8) of section 4725.34 of the Revised Code; 18040

(c) Pass all or part of the licensing examination accepted by 18041

the board under section 4725.11 of the Revised Code as the board  
considers appropriate to determine whether the application for  
reinstatement should be approved;

(d) If the applicant has been practicing optometry in another  
state or country, submit evidence that the applicant's license to  
practice optometry in the other state or country is in good  
standing.

(3) The board shall approve an application for reinstatement  
if the conditions specified in division (I)(2) of this section are  
met. An optometrist who receives reinstatement is subject to the  
continuing education requirements specified under division (B) of  
this section for the year in which reinstatement occurs.

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the  
Revised Code and by an affirmative vote of a majority of its  
members, the state board of optometry, for any of the reasons  
specified in division (B) of this section, shall refuse to grant a  
certificate of licensure to an applicant and may, with respect to  
a licensed optometrist, do one or more of the following:

(1) Suspend the operation of any certificate of licensure,  
topical ocular pharmaceutical agents certificate, or therapeutic  
pharmaceutical agents certificate, or all certificates granted by  
it to the optometrist;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of  
the certificates;

(4) Reprimand the optometrist;

(5) Impose a monetary penalty. If the reason for which the  
board is imposing the penalty involves a criminal offense that  
carries a fine under the Revised Code, the penalty shall not  
exceed the maximum fine that may be imposed for the criminal

offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;

(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;

(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;

(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;

(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;

(8) Being denied a license to practice optometry in another

state or country or being subject to any other sanction by the	18102
optometric licensing authority of another state or country, other	18103
than sanctions imposed for the nonpayment of fees;	18104
(9) Departing from or failing to conform to acceptable and	18105
prevailing standards of care in the practice of optometry as	18106
followed by similar practitioners under the same or similar	18107
circumstances, regardless of whether actual injury to a patient is	18108
established;	18109
(10) Failing to maintain comprehensive patient records;	18110
(11) Advertising a price of optical accessories, eye	18111
examinations, or other products or services by any means that	18112
would deceive or mislead the public;	18113
(12) Being addicted to the use of alcohol, stimulants,	18114
narcotics, or any other substance which impairs the intellect and	18115
judgment to such an extent as to hinder or diminish the	18116
performance of the duties included in the person's practice of	18117
optometry;	18118
(13) Engaging in the practice of optometry as provided in	18119
division (A)(2) or (3) of section 4725.01 of the Revised Code	18120
without authority to do so or, if authorized, in a manner	18121
inconsistent with the authority granted;	18122
(14) Failing to make a report to the board as required by	18123
division (A) of section 4725.21 or section 4725.31 of the Revised	18124
Code;	18125
(15) Soliciting patients from door to door or establishing	18126
temporary offices, in which case the board shall suspend all	18127
certificates held by the optometrist;	18128
(16) <u>Failing to comply with section 4725.092 of the Revised</u>	18129
<u>Code, unless the state board of pharmacy no longer maintains a</u>	18130
<u>drug database pursuant to section 4729.75 of the Revised Code;</u>	18131



<u>(17)</u> Except as provided in division (D) of this section:	18132
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that optometrist.	18133 18134 18135 18136 18137 18138
(b) Advertising that the optometrist will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay.	18139 18140 18141 18142 18143
(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.	18144 18145 18146 18147 18148
(D) Sanctions shall not be imposed under division (B) <del>(16)</del> <u>(17)</u> of this section against any optometrist who waives deductibles and copayments:	18149 18150 18151
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.	18152 18153 18154 18155 18156
(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.	18157 18158 18159 18160
<b>Sec. 4729.12.</b> An identification card issued by the state	18161

board of pharmacy under section 4729.08 of the Revised Code 18162  
entitles the individual to whom it is issued to practice as a 18163  
pharmacist or as a pharmacy intern in this state until the next 18164  
annual renewal date. 18165

Identification cards shall be renewed annually on the 18166  
fifteenth day of September, according to the standard renewal 18167  
procedure of Chapter 4745. of the Revised Code. 18168

Each pharmacist and pharmacy intern shall carry the 18169  
identification card or renewal identification card while engaged 18170  
in the practice of pharmacy. The license shall be conspicuously 18171  
exposed at the principal place where the pharmacist or pharmacy 18172  
intern practices pharmacy. 18173

A pharmacist or pharmacy intern who desires to continue in 18174  
the practice of pharmacy shall file with the board an application 18175  
in such form and containing such data as the board may require for 18176  
renewal of an identification card. An application filed under this 18177  
section may not be withdrawn without the approval of the board. If 18178  
the board finds that the applicant's card has not been revoked or 18179  
placed under suspension and that the applicant has paid the 18180  
renewal fee, has continued pharmacy education in accordance with 18181  
the rules of the board, has been granted access to the drug 18182  
database established and maintained by the board pursuant to 18183  
section 4729.75 of the Revised Code (unless the board has 18184  
restricted the applicant from obtaining any further information 18185  
from the database or the board no longer maintains the database), 18186  
and is entitled to continue in the practice of pharmacy, the board 18187  
shall issue a renewal identification card to the applicant. 18188

When an identification card has lapsed for more than sixty 18189  
days but application is made within three years after the 18190  
expiration of the card, the applicant shall be issued a renewal 18191  
identification card without further examination if the applicant 18192  
meets the requirements of this section and pays the fee designated 18193

under division (E) of section 4729.15 of the Revised Code. 18194

**Sec. 4729.54.** (A) As used in this section ~~and section~~ 18195  
~~4729.541 of the Revised Code:~~ 18196

(1) "Category I" means single-dose injections of intravenous 18197  
fluids, including saline, Ringer's lactate, five per cent dextrose 18198  
and distilled water, and other intravenous fluids or parenteral 18199  
solutions included in this category by rule of the state board of 18200  
pharmacy, that have a volume of one hundred milliliters or more 18201  
and that contain no added substances, or single-dose injections of 18202  
epinephrine to be administered pursuant to sections 4765.38 and 18203  
4765.39 of the Revised Code. 18204

(2) "Category II" means any dangerous drug that is not 18205  
included in category I or III. 18206

(3) "Category III" means any controlled substance that is 18207  
contained in schedule I, II, III, IV, or V. 18208

(4) "Emergency medical service organization" has the same 18209  
meaning as in section 4765.01 of the Revised Code. 18210

(5) "Person" includes an emergency medical service 18211  
organization. 18212

(6) "Schedule I, schedule II, schedule III, schedule IV, and 18213  
schedule V" mean controlled substance schedules I, II, III, IV, 18214  
and V, respectively, as established pursuant to section 3719.41 of 18215  
the Revised Code and as amended. 18216

(B)(1) A person who desires to be licensed as a terminal 18217  
distributor of dangerous drugs shall file with the executive 18218  
director of the state board of pharmacy a verified application. 18219  
After it is filed, the application may not be withdrawn without 18220  
approval of the board. 18221

(2) An application shall contain all the following that apply 18222  
in the applicant's case: 18223

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;	18224 18225 18226
(b) A statement that the person wishes to be licensed as a category I, category II, category III, limited category I, limited category II, or limited category III terminal distributor of dangerous drugs;	18227 18228 18229 18230
(c) If the person wishes to be licensed as a limited category I, limited category II, or limited category III terminal distributor of dangerous drugs, a notarized list of the dangerous drugs that the person wishes to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source;	18231 18232 18233 18234 18235 18236
(d) If the person is an emergency medical service organization, the information that is specified in division (C)(1) of this section;	18237 18238 18239
(e) Except for an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption;	18240 18241 18242 18243 18244 18245
(f) If the application pertains to a pain management clinic, information that demonstrates, to the satisfaction of the board, compliance with division (A) of section 4729.552 of the Revised Code.	18246 18247 18248 18249
(C)(1) An emergency medical service organization that wishes to be licensed as a terminal distributor of dangerous drugs shall list in its application for licensure the following additional information:	18250 18251 18252 18253
(a) The units under its control that the organization	18254

determines will possess dangerous drugs for the purpose of 18255  
administering emergency medical services in accordance with 18256  
Chapter 4765. of the Revised Code; 18257

(b) With respect to each such unit, whether the dangerous 18258  
drugs that the organization determines the unit will possess are 18259  
in category I, II, or III. 18260

(2) An emergency medical service organization that is 18261  
licensed as a terminal distributor of dangerous drugs shall file a 18262  
new application for such licensure if there is any change in the 18263  
number, or location of, any of its units or any change in the 18264  
category of the dangerous drugs that any unit will possess. 18265

(3) A unit listed in an application for licensure pursuant to 18266  
division (C)(1) of this section may obtain the dangerous drugs it 18267  
is authorized to possess from its emergency medical service 18268  
organization or, on a replacement basis, from a hospital pharmacy. 18269  
If units will obtain dangerous drugs from a hospital pharmacy, the 18270  
organization shall file, and maintain in current form, the 18271  
following items with the pharmacist who is responsible for the 18272  
hospital's terminal distributor of dangerous drugs license: 18273

(a) A copy of its standing orders or protocol; 18274

(b) A list of the personnel employed or used by the 18275  
organization to provide emergency medical services in accordance 18276  
with Chapter 4765. of the Revised Code, who are authorized to 18277  
possess the drugs, which list also shall indicate the personnel 18278  
who are authorized to administer the drugs. 18279

(D) Each emergency medical service organization that applies 18280  
for a terminal distributor of dangerous drugs license shall submit 18281  
with its application the following: 18282

(1) A notarized copy of its standing orders or protocol, 18283  
which orders or protocol shall be signed by a physician and 18284  
specify the dangerous drugs that its units may carry, expressed in 18285

standard dose units;	18286
(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.	18287 18288 18289
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.	18290 18291 18292
(E) There shall be six categories of terminal distributor of dangerous drugs licenses, which categories shall be as follows:	18293 18294
(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.	18295 18296 18297
(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.	18298 18299 18300 18301
(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.	18302 18303 18304
(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.	18305 18306 18307 18308
(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.	18309 18310 18311 18312 18313 18314 18315

(6) Limited category III license. A person who obtains this 18316  
license may possess, have custody or control of, and distribute 18317  
only the dangerous drugs described in category I, category II, or 18318  
category III that were listed in the application for licensure. 18319

(F) Except for an application made on behalf of an animal 18320  
shelter, if an applicant for licensure as a limited category I, 18321  
II, or III terminal distributor of dangerous drugs intends to 18322  
administer dangerous drugs to a person or animal, the applicant 18323  
shall submit, with the application, a notarized copy of its 18324  
protocol or standing orders, which protocol or orders shall be 18325  
signed by a licensed health professional authorized to prescribe 18326  
drugs, specify the dangerous drugs to be administered, and list 18327  
personnel who are authorized to administer the dangerous drugs in 18328  
accordance with federal law or the law of this state. An 18329  
application made on behalf of an animal shelter shall include a 18330  
notarized list of the dangerous drugs to be administered to 18331  
animals and the personnel who are authorized to administer the 18332  
drugs to animals in accordance with section 4729.532 of the 18333  
Revised Code. After obtaining a terminal distributor license, a 18334  
licensee shall notify the board immediately of any changes in its 18335  
protocol or standing orders, or in such personnel. 18336

(G)(1) Except as provided in division (G)(2) of this section, 18337  
each applicant for licensure as a terminal distributor of 18338  
dangerous drugs shall submit, with the application, a license fee 18339  
determined as follows: 18340

(a) For a category I or limited category I license, 18341  
forty-five dollars; 18342

(b) For a category II or limited category II license, one 18343  
hundred twelve dollars and fifty cents; 18344

(c) For a category III license, including a license with a 18345  
pain management clinic classification issued under section 18346

4729.552 of the Revised Code, or a limited category III license, 18347  
one hundred fifty dollars. 18348

(2) For a professional association, corporation, partnership, 18349  
or limited liability company organized for the purpose of 18350  
practicing veterinary medicine, the fee shall be forty dollars. 18351

(3) Fees assessed under divisions (G)(1) and (2) of this 18352  
section shall not be returned if the applicant fails to qualify 18353  
for registration. 18354

(H)(1) The board shall issue a terminal distributor of 18355  
dangerous drugs license to each person who submits an application 18356  
for such licensure in accordance with this section, pays the 18357  
required license fee, is determined by the board to meet the 18358  
requirements set forth in section 4729.55 of the Revised Code, and 18359  
satisfies any other applicable requirements of this section. 18360

(2) The license of a person other than an emergency medical 18361  
service organization shall describe the one establishment or place 18362  
at which the licensee may engage in the sale or other distribution 18363  
of dangerous drugs at retail and maintain possession, custody, or 18364  
control of dangerous drugs for purposes other than the licensee's 18365  
own use or consumption. The one establishment or place shall be 18366  
that which is described in the application for licensure. 18367

No such license shall authorize or permit the terminal 18368  
distributor of dangerous drugs named in it to engage in the sale 18369  
or other distribution of dangerous drugs at retail or to maintain 18370  
possession, custody, or control of dangerous drugs for any purpose 18371  
other than the distributor's own use or consumption, at any 18372  
establishment or place other than that described in the license, 18373  
except that an agent or employee of an animal shelter may possess 18374  
and use dangerous drugs in the course of business as provided in 18375  
division (D) of section 4729.532 of the Revised Code. 18376

(3) The license of an emergency medical service organization 18377



shall cover and describe all the units of the organization listed 18378  
in its application for licensure. 18379

(4) The license of every terminal distributor of dangerous 18380  
drugs shall indicate, on its face, the category of licensure. If 18381  
the license is a limited category I, II, or III license, it shall 18382  
specify, and shall authorize the licensee to possess, have custody 18383  
or control of, and distribute only, the dangerous drugs that were 18384  
listed in the application for licensure. 18385

(I) All licenses issued pursuant to this section shall be 18386  
effective for a period of twelve months from the first day of 18387  
~~January~~ April of each year. A license shall be renewed by the 18388  
board for a like period, annually, according to the provisions of 18389  
this section, and the standard renewal procedure of Chapter 4745. 18390  
of the Revised Code. A person who desires to renew a license shall 18391  
submit an application for renewal and pay the required fee on or 18392  
before the thirty-first day of ~~December~~ March each year. The fee 18393  
required for the renewal of a license shall be the same as the fee 18394  
paid for the license being renewed, and shall accompany the 18395  
application for renewal. 18396

A license that has not been renewed during ~~December~~ March in 18397  
any year and by the first day of ~~February~~ May of the ~~following~~ 18398  
same year may be reinstated only upon payment of the required 18399  
renewal fee and a penalty fee of fifty-five dollars. 18400

(J)(1) No emergency medical service organization that is 18401  
licensed as a terminal distributor of dangerous drugs shall fail 18402  
to comply with division (C)(2) or (3) of this section. 18403

(2) No emergency medical service organization that is 18404  
licensed as a terminal distributor of dangerous drugs shall fail 18405  
to comply with division (D) of this section. 18406

(3) No licensed terminal distributor of dangerous drugs shall 18407  
possess, have custody or control of, or distribute dangerous drugs 18408

that the terminal distributor is not entitled to possess, have 18409  
custody or control of, or distribute by virtue of its category of 18410  
licensure. 18411

(4) No licensee that is required by division (F) of this 18412  
section to notify the board of changes in its protocol or standing 18413  
orders, or in personnel, shall fail to comply with that division. 18414

**Sec. 4729.541.** (A) Except as provided in ~~division~~ divisions 18415  
(B) and (C) of this section, a business entity described in 18416  
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code 18417  
may possess, have custody or control of, and distribute the 18418  
dangerous drugs in category I, category II, and category III ~~of,~~ 18419  
as defined in section 4729.54 of the Revised Code, without holding 18420  
a terminal distributor of dangerous drugs license issued under 18421  
that section. 18422

(B) If a business entity described in division (B)(1)(j) or 18423  
(k) of section 4729.51 of the Revised Code is a pain management 18424  
clinic or is operating a pain management clinic, the entity shall 18425  
hold a license as a terminal distributor of dangerous drugs with a 18426  
pain management clinic classification issued under section 18427  
4729.552 of the Revised Code. 18428

(C) Beginning April 1, 2015, a business entity described in 18429  
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code 18430  
shall hold a license as a terminal distributor of dangerous drugs 18431  
in order to possess, have custody or control of, and distribute 18432  
dangerous drugs that are compounded or used for the purpose of 18433  
compounding. 18434

**Sec. 4729.65.** (A) Except as provided in division (B) of this 18435  
section, all receipts of the state board of pharmacy, from any 18436  
source, shall be deposited into the state treasury to the credit 18437  
of the occupational licensing and regulatory fund. All vouchers of 18438

the board shall be approved by the president or executive director 18439  
of the board, or both, as authorized by the board. All initial 18440  
issuance fees and renewal fees required by sections 4729.01 to 18441  
4729.54 of the Revised Code shall be payable by the applicant at 18442  
the time of making application. 18443

(B)(1) There is hereby created in the state treasury the 18444  
board of pharmacy drug law enforcement fund. All moneys that are 18445  
derived from any fines, mandatory fines, or forfeited bail to 18446  
which the board may be entitled under Chapter 2925., division (C) 18447  
of section 2923.42, or division (B) of section 2925.42 of the 18448  
Revised Code and all moneys that are derived from forfeitures of 18449  
property to which the board may be entitled pursuant to Chapter 18450  
2925. or 2981. of the Revised Code, any other provision of the 18451  
Revised Code, or federal law shall be deposited into the fund. 18452  
Subject to division (B)(2) of this section, division (B) of 18453  
section 2923.44, and divisions (B), (C), and (D) of section 18454  
2981.13 of the Revised Code, the moneys in the fund shall be used 18455  
solely to subsidize the drug law enforcement efforts of the board. 18456

(2) Notwithstanding any contrary provision in the Revised 18457  
Code, moneys that are derived from forfeitures of property 18458  
pursuant to federal law and that are deposited into the board of 18459  
pharmacy drug law enforcement fund in accordance with division 18460  
(B)(1) of this section shall be used and accounted for in 18461  
accordance with the applicable federal law, and the board 18462  
otherwise shall comply with that law in connection with the 18463  
moneys. 18464

(C) All fines and forfeited bonds assessed and collected 18465  
under prosecution or prosecution commenced in the enforcement of 18466  
this chapter shall be paid to the executive director of the board 18467  
within thirty days and by the executive director paid into the 18468  
state treasury to the credit of the occupational licensing and 18469  
regulatory fund. ~~The~~ 18470

(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the board, subject to the approval of the controlling board and except for fees required to be established by the board at amounts "adequate" to cover designated expenses, may establish fees in excess of the amounts provided by this chapter, provided that such fees do not exceed the amounts permitted by this chapter by more than fifty per cent. 18471  
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(2) Division (D)(1) of this section does not apply to fees required by this chapter to be established at amounts adequate to cover designated expenses. 18478  
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(3) Fees established under division (D)(1) of this section or described in division (D)(2) of this section are subject to the limitation on fee increases specified in division (A) of section 4729.83 of the Revised Code. 18481  
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**Sec. 4729.80.** (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database in accordance with the following: 18485  
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(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity. 18489  
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(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, 18496  
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being conducted by the officer's employing government entity. 18502

(3) Pursuant to a subpoena issued by a grand jury, the board 18503  
shall provide to the grand jury information from the database 18504  
relating to the person who is the subject of an investigation 18505  
being conducted by the grand jury. 18506

(4) Pursuant to a subpoena, search warrant, or court order in 18507  
connection with the investigation or prosecution of a possible or 18508  
alleged criminal offense, the board shall provide information from 18509  
the database as necessary to comply with the subpoena, search 18510  
warrant, or court order. 18511

(5) On receipt of a request from a prescriber or the 18512  
prescriber's delegate approved by the board, the board ~~may~~ shall 18513  
provide to the prescriber a report of information from the 18514  
database relating to a patient who is either ~~of the following~~ a 18515  
current patient of the prescriber or a potential patient of the 18516  
prescriber based on a referral of the patient to the prescriber, 18517  
~~if the prescriber certifies in a form specified by the board that~~ 18518  
~~it is for the purpose of providing medical treatment to the~~ 18519  
~~patient who is the subject of the request~~ all of the following 18520  
conditions are met: 18521

(a) ~~A current patient of the prescriber~~ The prescriber 18522  
certifies in a form specified by the board that it is for the 18523  
purpose of providing medical treatment to the patient who is the 18524  
subject of the request; 18525

(b) ~~A potential patient of the prescriber based on a referral~~ 18526  
~~of the patient to the prescriber~~ The prescriber has not been 18527  
denied access to the database by the board. 18528

(6) On receipt of a request from a pharmacist or the 18529  
pharmacist's delegate approved by the board, the board ~~may~~ shall 18530  
provide to the pharmacist information from the database relating 18531  
to a current patient of the pharmacist, if the pharmacist 18532

certifies in a form specified by the board that it is for the 18533  
purpose of the pharmacist's practice of pharmacy involving the 18534  
patient who is the subject of the request and the pharmacist has 18535  
not been denied access to the database by the board. 18536

(7) On receipt of a request from an individual seeking the 18537  
individual's own database information in accordance with the 18538  
procedure established in rules adopted under section 4729.84 of 18539  
the Revised Code, the board may provide to the individual the 18540  
individual's own database information. 18541

(8) On receipt of a request from the medical director of a 18542  
managed care organization that has entered into a contract with 18543  
the department of medicaid under section 5167.10 of the Revised 18544  
Code and a data security agreement with the board required by 18545  
section 5167.14 of the Revised Code, the board shall provide to 18546  
the medical director information from the database relating to a 18547  
medicaid recipient enrolled in the managed care organization, 18548  
including information in the database related to prescriptions for 18549  
the recipient that were not covered or reimbursed under a program 18550  
administered by the department of medicaid. 18551

(9) On receipt of a request from the medicaid director, the 18552  
board shall provide to the director information from the database 18553  
relating to a recipient of a program administered by the 18554  
department of medicaid, including information in the database 18555  
related to prescriptions for the recipient that were not covered 18556  
or paid by a program administered by the department. 18557

(10) On receipt of a request from the medical director of a 18558  
managed care organization that has entered into a contract with 18559  
the administrator of workers' compensation under division (B)(4) 18560  
of section 4121.44 of the Revised Code and a data security 18561  
agreement with the board required by section 4121.443 of the 18562  
Revised Code, the board shall provide to the medical director 18563  
information from the database relating to a claimant under Chapter 18564

4121., 4123., 4127., or 4131. of the Revised Code assigned to the 18565  
managed care organization, including information in the database 18566  
related to prescriptions for the claimant that were not covered or 18567  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 18568  
Revised Code, if the administrator of workers' compensation 18569  
confirms, upon request from the board, that the claimant is 18570  
assigned to the managed care organization. 18571

(11) On receipt of a request from the administrator of 18572  
workers' compensation, the board may shall provide to the 18573  
administrator information from the database relating to a claimant 18574  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 18575  
including information in the database related to prescriptions for 18576  
the claimant that were not covered or reimbursed under Chapter 18577  
4121., 4123., 4127., or 4131. of the Revised Code. 18578

~~(11)~~(12) On receipt of a request from a prescriber or the 18579  
prescriber's delegate approved by the board, the board shall 18580  
provide to the prescriber information from the database relating 18581  
to a patient's mother, if the prescriber certifies in a form 18582  
specified by the board that it is for the purpose of providing 18583  
medical treatment to a newborn or infant patient diagnosed as 18584  
opioid dependent and the prescriber has not been denied access to 18585  
the database by the board. 18586

(13) On receipt of a request from a requestor described in 18587  
division (A)(1), (2), (5), or (6) of this section who is from or 18588  
participating with another state's prescription monitoring 18589  
program, the board may provide to the requestor information from 18590  
the database, but only if there is a written agreement under which 18591  
the information is to be used and disseminated according to the 18592  
laws of this state. 18593

(B) The state board of pharmacy shall maintain a record of 18594  
each individual or entity that requests information from the 18595  
database pursuant to this section. In accordance with rules 18596

adopted under section 4729.84 of the Revised Code, the board may 18597  
use the records to document and report statistics and law 18598  
enforcement outcomes. 18599

The board may provide records of an individual's requests for 18600  
database information to the following: 18601

(1) A designated representative of a government entity that 18602  
is responsible for the licensure, regulation, or discipline of 18603  
health care professionals with authority to prescribe, administer, 18604  
or dispense drugs who is involved in an active investigation being 18605  
conducted by the government entity of the individual who submitted 18606  
the requests for database information; 18607

(2) A federal officer, or a state or local officer of this or 18608  
any other state, whose duties include enforcing laws relating to 18609  
drugs and who is involved in an active investigation being 18610  
conducted by the officer's employing government entity of the 18611  
individual who submitted the requests for database information. 18612

(C) Information contained in the database and any information 18613  
obtained from it is not a public record. Information contained in 18614  
the records of requests for information from the database is not a 18615  
public record. Information that does not identify a person may be 18616  
released in summary, statistical, or aggregate form. 18617

(D) A pharmacist or prescriber shall not be held liable in 18618  
damages to any person in any civil action for injury, death, or 18619  
loss to person or property on the basis that the pharmacist or 18620  
prescriber did or did not seek or obtain information from the 18621  
database. 18622

**Sec. 4729.83.** (A) If the state board of pharmacy establishes 18623  
and maintains a drug database pursuant to section 4729.75 of the 18624  
Revised Code, the board may use, for the purpose of establishing 18625  
or maintaining the database, any portion of the fees collected 18626



under section 4729.15, 4729.52, or 4729.54 of the Revised Code for 18627  
the licensing or registration of pharmacists, pharmacy interns, 18628  
wholesale distributors of dangerous drugs, or terminal 18629  
distributors of dangerous drugs. The board shall not increase the 18630  
amount of any of those fees solely for the purpose of establishing 18631  
or maintaining the database. 18632

The board shall not impose any charge on a ~~terminal~~ 18633  
~~distributor of dangerous drugs, pharmacist, or~~ prescriber for the 18634  
establishment or maintenance of the database. The board shall not 18635  
charge any fees for the transmission of data to the database or 18636  
for the receipt of information from the database, except that the 18637  
board may charge a fee in accordance with rules adopted under 18638  
section 4729.84 of the Revised Code to an individual who requests 18639  
the individual's own database information under section 4729.80 of 18640  
the Revised Code. 18641

(B) The board may accept grants, gifts, or donations for 18642  
purposes of the drug database. Any money received shall be 18643  
deposited into the state treasury to the credit of the drug 18644  
database fund, which is hereby created. Money in the fund shall be 18645  
used solely for purposes of the drug database. 18646

**Sec. 4729.86.** If the state board of pharmacy establishes and 18647  
maintains a drug database pursuant to section 4729.75 of the 18648  
Revised Code, all of the following apply: 18649

(A)(1) No person identified in divisions (A)(1) to ~~(10)~~(12) 18650  
or (B) of section 4729.80 of the Revised Code shall disseminate 18651  
any written or electronic information the person receives from the 18652  
drug database or otherwise provide another person access to the 18653  
information that the person receives from the database, except as 18654  
follows: 18655

(a) When necessary in the investigation or prosecution of a 18656  
possible or alleged criminal offense; 18657

(b) When a person provides the information to the prescriber 18658  
or pharmacist for whom the person is approved by the board to 18659  
serve as a delegate of the prescriber or pharmacist for purposes 18660  
of requesting and receiving information from the drug database 18661  
under division (A)(5) or (6) of section 4729.80 of the Revised 18662  
Code; 18663

(c) When a prescriber or pharmacist provides the information 18664  
to a person who is approved by the board to serve as such a 18665  
delegate of the prescriber or pharmacist. 18666

(2) No person shall provide false information to the state 18667  
board of pharmacy with the intent to obtain or alter information 18668  
contained in the drug database. 18669

(3) No person shall obtain drug database information by any 18670  
means except as provided under section 4729.80 or 4729.81 of the 18671  
Revised Code. 18672

(B) A person shall not use information obtained pursuant to 18673  
division (A) of section 4729.80 of the Revised Code as evidence in 18674  
any civil or administrative proceeding. 18675

(C)(1) The Except as provided in division (C)(2) of this 18676  
section, after providing notice and affording an opportunity for a 18677  
hearing in accordance with Chapter 119. of the Revised Code, the 18678  
board may restrict a person from obtaining further information 18679  
from the drug database if any of the following is the case: 18680

(a) The person violates division (A)(1), (2), or (3) of this 18681  
section; 18682

(b) The person is a requestor identified in division 18683  
(A)~~(11)~~(13) of section 4729.80 of the Revised Code and the board 18684  
determines that the person's actions in another state would have 18685  
constituted a violation of division (A)(1), (2), or (3) of this 18686  
section; 18687

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database.

Sec. 4729.861. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code and if the board restricts a prescriber from obtaining further information from the database pursuant to division (C) of section 4729.86 of the Revised Code, the board shall notify the government entity responsible for licensing the prescriber.

Sec. 4730.093. When a physician assistant orders a test for the presence of Lyme disease in a patient, the physician assistant or physician assistant's delegate shall provide to the patient or patient's representative a written notice with the following information:

"Your health care provider has ordered a test for the

presence of Lyme disease. Current testing for Lyme disease can be 18718  
problematic and may lead to false results. If you are tested for 18719  
Lyme disease and the results are positive, this does not 18720  
necessarily mean that you have contracted Lyme disease. In the 18721  
alternative, if the results are negative, this does not 18722  
necessarily mean that you have not contracted Lyme disease. If you 18723  
continue to experience symptoms or have other health concerns, you 18724  
should contact your health care provider and inquire about the 18725  
appropriateness of additional testing or treatment." 18726

The physician assistant or physician assistant's delegate 18727  
shall obtain a signature from the patient or patient's 18728  
representative indicating receipt of the notice. The document 18729  
containing the signature shall be kept in the patient's record. 18730

**Sec. 4730.25.** (A) The state medical board, by an affirmative 18731  
vote of not fewer than six members, may revoke or may refuse to 18732  
grant a certificate to practice as a physician assistant or a 18733  
certificate to prescribe to a person found by the board to have 18734  
committed fraud, misrepresentation, or deception in applying for 18735  
or securing the certificate. 18736

(B) The board, by an affirmative vote of not fewer than six 18737  
members, shall, to the extent permitted by law, limit, revoke, or 18738  
suspend an individual's certificate to practice as a physician 18739  
assistant or certificate to prescribe, refuse to issue a 18740  
certificate to an applicant, refuse to reinstate a certificate, or 18741  
reprimand or place on probation the holder of a certificate for 18742  
any of the following reasons: 18743

(1) Failure to practice in accordance with the conditions 18744  
under which the supervising physician's supervision agreement with 18745  
the physician assistant was approved, including the requirement 18746  
that when practicing under a particular supervising physician, the 18747  
physician assistant must practice only according to the physician 18748

supervisory plan the board approved for that physician or the	18749
policies of the health care facility in which the supervising	18750
physician and physician assistant are practicing;	18751
(2) Failure to comply with the requirements of this chapter,	18752
Chapter 4731. of the Revised Code, or any rules adopted by the	18753
board;	18754
(3) Violating or attempting to violate, directly or	18755
indirectly, or assisting in or abetting the violation of, or	18756
conspiring to violate, any provision of this chapter, Chapter	18757
4731. of the Revised Code, or the rules adopted by the board;	18758
(4) Inability to practice according to acceptable and	18759
prevailing standards of care by reason of mental illness or	18760
physical illness, including physical deterioration that adversely	18761
affects cognitive, motor, or perceptive skills;	18762
(5) Impairment of ability to practice according to acceptable	18763
and prevailing standards of care because of habitual or excessive	18764
use or abuse of drugs, alcohol, or other substances that impair	18765
ability to practice;	18766
(6) Administering drugs for purposes other than those	18767
authorized under this chapter;	18768
(7) Willfully betraying a professional confidence;	18769
(8) Making a false, fraudulent, deceptive, or misleading	18770
statement in soliciting or advertising for employment as a	18771
physician assistant; in connection with any solicitation or	18772
advertisement for patients; in relation to the practice of	18773
medicine as it pertains to physician assistants; or in securing or	18774
attempting to secure a certificate to practice as a physician	18775
assistant, a certificate to prescribe, or approval of a	18776
supervision agreement.	18777
As used in this division, "false, fraudulent, deceptive, or	18778

misleading statement" means a statement that includes a 18779  
misrepresentation of fact, is likely to mislead or deceive because 18780  
of a failure to disclose material facts, is intended or is likely 18781  
to create false or unjustified expectations of favorable results, 18782  
or includes representations or implications that in reasonable 18783  
probability will cause an ordinarily prudent person to 18784  
misunderstand or be deceived. 18785

(9) Representing, with the purpose of obtaining compensation 18786  
or other advantage personally or for any other person, that an 18787  
incurable disease or injury, or other incurable condition, can be 18788  
permanently cured; 18789

(10) The obtaining of, or attempting to obtain, money or 18790  
anything of value by fraudulent misrepresentations in the course 18791  
of practice; 18792

(11) A plea of guilty to, a judicial finding of guilt of, or 18793  
a judicial finding of eligibility for intervention in lieu of 18794  
conviction for, a felony; 18795

(12) Commission of an act that constitutes a felony in this 18796  
state, regardless of the jurisdiction in which the act was 18797  
committed; 18798

(13) A plea of guilty to, a judicial finding of guilt of, or 18799  
a judicial finding of eligibility for intervention in lieu of 18800  
conviction for, a misdemeanor committed in the course of practice; 18801

(14) A plea of guilty to, a judicial finding of guilt of, or 18802  
a judicial finding of eligibility for intervention in lieu of 18803  
conviction for, a misdemeanor involving moral turpitude; 18804

(15) Commission of an act in the course of practice that 18805  
constitutes a misdemeanor in this state, regardless of the 18806  
jurisdiction in which the act was committed; 18807

(16) Commission of an act involving moral turpitude that 18808

constitutes a misdemeanor in this state, regardless of the 18809  
jurisdiction in which the act was committed; 18810

(17) A plea of guilty to, a judicial finding of guilt of, or 18811  
a judicial finding of eligibility for intervention in lieu of 18812  
conviction for violating any state or federal law regulating the 18813  
possession, distribution, or use of any drug, including 18814  
trafficking in drugs; 18815

(18) Any of the following actions taken by the state agency 18816  
responsible for regulating the practice of physician assistants in 18817  
another state, for any reason other than the nonpayment of fees: 18818  
the limitation, revocation, or suspension of an individual's 18819  
license to practice; acceptance of an individual's license 18820  
surrender; denial of a license; refusal to renew or reinstate a 18821  
license; imposition of probation; or issuance of an order of 18822  
censure or other reprimand; 18823

(19) A departure from, or failure to conform to, minimal 18824  
standards of care of similar physician assistants under the same 18825  
or similar circumstances, regardless of whether actual injury to a 18826  
patient is established; 18827

(20) Violation of the conditions placed by the board on a 18828  
certificate to practice as a physician assistant, a certificate to 18829  
prescribe, a physician supervisory plan, or supervision agreement; 18830

(21) Failure to use universal blood and body fluid 18831  
precautions established by rules adopted under section 4731.051 of 18832  
the Revised Code; 18833

(22) Failure to cooperate in an investigation conducted by 18834  
the board under section 4730.26 of the Revised Code, including 18835  
failure to comply with a subpoena or order issued by the board or 18836  
failure to answer truthfully a question presented by the board at 18837  
a deposition or in written interrogatories, except that failure to 18838  
cooperate with an investigation shall not constitute grounds for 18839

discipline under this section if a court of competent jurisdiction 18840  
has issued an order that either quashes a subpoena or permits the 18841  
individual to withhold the testimony or evidence in issue; 18842

(23) Assisting suicide as defined in section 3795.01 of the 18843  
Revised Code; 18844

(24) Prescribing any drug or device to perform or induce an 18845  
abortion, or otherwise performing or inducing an abortion; 18846

(25) Failure to comply with section 4730.53 of the Revised 18847  
Code, unless the board no longer maintains a drug database 18848  
pursuant to section 4729.75 of the Revised Code. 18849

(C) Disciplinary actions taken by the board under divisions 18850  
(A) and (B) of this section shall be taken pursuant to an 18851  
adjudication under Chapter 119. of the Revised Code, except that 18852  
in lieu of an adjudication, the board may enter into a consent 18853  
agreement with a physician assistant or applicant to resolve an 18854  
allegation of a violation of this chapter or any rule adopted 18855  
under it. A consent agreement, when ratified by an affirmative 18856  
vote of not fewer than six members of the board, shall constitute 18857  
the findings and order of the board with respect to the matter 18858  
addressed in the agreement. If the board refuses to ratify a 18859  
consent agreement, the admissions and findings contained in the 18860  
consent agreement shall be of no force or effect. 18861

(D) For purposes of divisions (B)(12), (15), and (16) of this 18862  
section, the commission of the act may be established by a finding 18863  
by the board, pursuant to an adjudication under Chapter 119. of 18864  
the Revised Code, that the applicant or certificate holder 18865  
committed the act in question. The board shall have no 18866  
jurisdiction under these divisions in cases where the trial court 18867  
renders a final judgment in the certificate holder's favor and 18868  
that judgment is based upon an adjudication on the merits. The 18869  
board shall have jurisdiction under these divisions in cases where 18870



the trial court issues an order of dismissal upon technical or 18871  
procedural grounds. 18872

(E) The sealing of conviction records by any court shall have 18873  
no effect upon a prior board order entered under the provisions of 18874  
this section or upon the board's jurisdiction to take action under 18875  
the provisions of this section if, based upon a plea of guilty, a 18876  
judicial finding of guilt, or a judicial finding of eligibility 18877  
for intervention in lieu of conviction, the board issued a notice 18878  
of opportunity for a hearing prior to the court's order to seal 18879  
the records. The board shall not be required to seal, destroy, 18880  
redact, or otherwise modify its records to reflect the court's 18881  
sealing of conviction records. 18882

(F) For purposes of this division, any individual who holds a 18883  
certificate issued under this chapter, or applies for a 18884  
certificate issued under this chapter, shall be deemed to have 18885  
given consent to submit to a mental or physical examination when 18886  
directed to do so in writing by the board and to have waived all 18887  
objections to the admissibility of testimony or examination 18888  
reports that constitute a privileged communication. 18889

(1) In enforcing division (B)(4) of this section, the board, 18890  
upon a showing of a possible violation, may compel any individual 18891  
who holds a certificate issued under this chapter or who has 18892  
applied for a certificate pursuant to this chapter to submit to a 18893  
mental examination, physical examination, including an HIV test, 18894  
or both a mental and physical examination. The expense of the 18895  
examination is the responsibility of the individual compelled to 18896  
be examined. Failure to submit to a mental or physical examination 18897  
or consent to an HIV test ordered by the board constitutes an 18898  
admission of the allegations against the individual unless the 18899  
failure is due to circumstances beyond the individual's control, 18900  
and a default and final order may be entered without the taking of 18901  
testimony or presentation of evidence. If the board finds a 18902

physician assistant unable to practice because of the reasons set 18903  
forth in division (B)(4) of this section, the board shall require 18904  
the physician assistant to submit to care, counseling, or 18905  
treatment by physicians approved or designated by the board, as a 18906  
condition for an initial, continued, reinstated, or renewed 18907  
certificate. An individual affected under this division shall be 18908  
afforded an opportunity to demonstrate to the board the ability to 18909  
resume practicing in compliance with acceptable and prevailing 18910  
standards of care. 18911

(2) For purposes of division (B)(5) of this section, if the 18912  
board has reason to believe that any individual who holds a 18913  
certificate issued under this chapter or any applicant for a 18914  
certificate suffers such impairment, the board may compel the 18915  
individual to submit to a mental or physical examination, or both. 18916  
The expense of the examination is the responsibility of the 18917  
individual compelled to be examined. Any mental or physical 18918  
examination required under this division shall be undertaken by a 18919  
treatment provider or physician qualified to conduct such 18920  
examination and chosen by the board. 18921

Failure to submit to a mental or physical examination ordered 18922  
by the board constitutes an admission of the allegations against 18923  
the individual unless the failure is due to circumstances beyond 18924  
the individual's control, and a default and final order may be 18925  
entered without the taking of testimony or presentation of 18926  
evidence. If the board determines that the individual's ability to 18927  
practice is impaired, the board shall suspend the individual's 18928  
certificate or deny the individual's application and shall require 18929  
the individual, as a condition for initial, continued, reinstated, 18930  
or renewed certification to practice or prescribe, to submit to 18931  
treatment. 18932

Before being eligible to apply for reinstatement of a 18933  
certificate suspended under this division, the physician assistant 18934

shall demonstrate to the board the ability to resume practice or 18935  
prescribing in compliance with acceptable and prevailing standards 18936  
of care. The demonstration shall include the following: 18937

(a) Certification from a treatment provider approved under 18938  
section 4731.25 of the Revised Code that the individual has 18939  
successfully completed any required inpatient treatment; 18940

(b) Evidence of continuing full compliance with an aftercare 18941  
contract or consent agreement; 18942

(c) Two written reports indicating that the individual's 18943  
ability to practice has been assessed and that the individual has 18944  
been found capable of practicing according to acceptable and 18945  
prevailing standards of care. The reports shall be made by 18946  
individuals or providers approved by the board for making such 18947  
assessments and shall describe the basis for their determination. 18948

The board may reinstate a certificate suspended under this 18949  
division after such demonstration and after the individual has 18950  
entered into a written consent agreement. 18951

When the impaired physician assistant resumes practice or 18952  
prescribing, the board shall require continued monitoring of the 18953  
physician assistant. The monitoring shall include compliance with 18954  
the written consent agreement entered into before reinstatement or 18955  
with conditions imposed by board order after a hearing, and, upon 18956  
termination of the consent agreement, submission to the board for 18957  
at least two years of annual written progress reports made under 18958  
penalty of falsification stating whether the physician assistant 18959  
has maintained sobriety. 18960

(G) If the secretary and supervising member determine that 18961  
there is clear and convincing evidence that a physician assistant 18962  
has violated division (B) of this section and that the 18963  
individual's continued practice or prescribing presents a danger 18964  
of immediate and serious harm to the public, they may recommend 18965

that the board suspend the individual's certificate to practice or 18966  
prescribe without a prior hearing. Written allegations shall be 18967  
prepared for consideration by the board. 18968

The board, upon review of those allegations and by an 18969  
affirmative vote of not fewer than six of its members, excluding 18970  
the secretary and supervising member, may suspend a certificate 18971  
without a prior hearing. A telephone conference call may be 18972  
utilized for reviewing the allegations and taking the vote on the 18973  
summary suspension. 18974

The board shall issue a written order of suspension by 18975  
certified mail or in person in accordance with section 119.07 of 18976  
the Revised Code. The order shall not be subject to suspension by 18977  
the court during pendency of any appeal filed under section 119.12 18978  
of the Revised Code. If the physician assistant requests an 18979  
adjudicatory hearing by the board, the date set for the hearing 18980  
shall be within fifteen days, but not earlier than seven days, 18981  
after the physician assistant requests the hearing, unless 18982  
otherwise agreed to by both the board and the certificate holder. 18983

A summary suspension imposed under this division shall remain 18984  
in effect, unless reversed on appeal, until a final adjudicative 18985  
order issued by the board pursuant to this section and Chapter 18986  
119. of the Revised Code becomes effective. The board shall issue 18987  
its final adjudicative order within sixty days after completion of 18988  
its hearing. Failure to issue the order within sixty days shall 18989  
result in dissolution of the summary suspension order, but shall 18990  
not invalidate any subsequent, final adjudicative order. 18991

(H) If the board takes action under division (B)(11), (13), 18992  
or (14) of this section, and the judicial finding of guilt, guilty 18993  
plea, or judicial finding of eligibility for intervention in lieu 18994  
of conviction is overturned on appeal, upon exhaustion of the 18995  
criminal appeal, a petition for reconsideration of the order may 18996  
be filed with the board along with appropriate court documents. 18997

Upon receipt of a petition and supporting court documents, the board shall reinstate the certificate to practice or prescribe. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The certificate to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter

119. of the Revised Code to give notice of opportunity for hearing 19030  
and the individual subject to the notice does not timely request a 19031  
hearing in accordance with section 119.07 of the Revised Code, the 19032  
board is not required to hold a hearing, but may adopt, by an 19033  
affirmative vote of not fewer than six of its members, a final 19034  
order that contains the board's findings. In that final order, the 19035  
board may order any of the sanctions identified under division (A) 19036  
or (B) of this section. 19037

(K) Any action taken by the board under division (B) of this 19038  
section resulting in a suspension shall be accompanied by a 19039  
written statement of the conditions under which the physician 19040  
assistant's certificate may be reinstated. The board shall adopt 19041  
rules in accordance with Chapter 119. of the Revised Code 19042  
governing conditions to be imposed for reinstatement. 19043  
Reinstatement of a certificate suspended pursuant to division (B) 19044  
of this section requires an affirmative vote of not fewer than six 19045  
members of the board. 19046

(L) When the board refuses to grant to an applicant a 19047  
certificate to practice as a physician assistant or a certificate 19048  
to prescribe, revokes an individual's certificate, refuses to 19049  
issue a certificate, or refuses to reinstate an individual's 19050  
certificate, the board may specify that its action is permanent. 19051  
An individual subject to a permanent action taken by the board is 19052  
forever thereafter ineligible to hold the certificate and the 19053  
board shall not accept an application for reinstatement of the 19054  
certificate or for issuance of a new certificate. 19055

(M) Notwithstanding any other provision of the Revised Code, 19056  
all of the following apply: 19057

(1) The surrender of a certificate issued under this chapter 19058  
is not effective unless or until accepted by the board. 19059  
Reinstatement of a certificate surrendered to the board requires 19060  
an affirmative vote of not fewer than six members of the board. 19061

(2) An application made under this chapter for a certificate, approval of a physician supervisory plan, or approval of a supervision agreement may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in accordance with section 4730.14 or section 4730.48 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

**Sec. 4730.48.** (A)(1) Except in the case of a provisional certificate to prescribe, a physician assistant's certificate to prescribe expires on the same date as the physician assistant's certificate to practice as a physician assistant, as provided in section 4730.14 of the Revised Code. The certificate to prescribe may be renewed in accordance with this section.

(2) A person seeking to renew a certificate to prescribe shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall send renewal notices at least one month prior to the expiration date. The notice may be sent as part of the notice sent for renewal of the certificate to practice.

(3) Applications for renewal shall be submitted to the board on forms the board shall prescribe and furnish. An application for renewal of a certificate to prescribe may be submitted in conjunction with an application for renewal of a certificate to practice.

(4)(a) Except as provided in division (A)(4)(b) of this section, in the case of an applicant who prescribes opioid analgesics or benzodiazepines, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

<u>(b) The requirement in division (A)(4)(a) of this section</u>	19093
<u>does not apply if either of the following is the case:</u>	19094
<u>(i) The state board of pharmacy notifies the state medical</u>	19095
<u>board pursuant to section 4729.861 of the Revised Code that the</u>	19096
<u>applicant has been restricted from obtaining further information</u>	19097
<u>from the drug database.</u>	19098
<u>(ii) The state board of pharmacy no longer maintains the drug</u>	19099
<u>database.</u>	19100
<u>(c) If an applicant certifies to the state medical board that</u>	19101
<u>the applicant has been granted access to the drug database and the</u>	19102
<u>board finds through an audit or other means that the applicant has</u>	19103
<u>not been granted access, the board may take action under section</u>	19104
<u>4730.25 of the Revised Code.</u>	19105
<u>(5) Each application for renewal of a certificate to</u>	19106
<u>prescribe shall be accompanied by a biennial renewal fee of fifty</u>	19107
<u>dollars. The board shall deposit the fees in accordance with</u>	19108
<u>section 4731.24 of the Revised Code.</u>	19109
<u>(6) The applicant shall report any criminal offense that</u>	19110
<u>constitutes grounds under section 4730.25 of the Revised Code for</u>	19111
<u>refusing to issue a certificate to prescribe to which the</u>	19112
<u>applicant has pleaded guilty, of which the applicant has been</u>	19113
<u>found guilty, or for which the applicant has been found eligible</u>	19114
<u>for intervention in lieu of conviction, since last signing an</u>	19115
<u>application for a certificate to prescribe.</u>	19116
<u>(B) The board shall review all renewal applications received.</u>	19117
<u>If an applicant submits a complete renewal application and meets</u>	19118
<u>the requirements for renewal specified in section 4730.49 of the</u>	19119
<u>Revised Code, the board shall issue to the applicant a renewed</u>	19120
<u>certificate to prescribe.</u>	19121
<b>Sec. 4730.53. (A) As used in this section, "drug database"</b>	19122



means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(B) The Except as provided in divisions (C) and (E) of this section, a physician assistant holding a certificate to prescribe issued under this chapter shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine as part of a patient's course of treatment for a particular condition:

(1) Before initially prescribing the drug, the physician assistant or the physician assistant's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the physician assistant practices primarily in a county of this state that adjoins another state, the physician assistant or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the physician assistant or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.

(3) On receipt of a report under division (B)(1) or (2) of this section, the physician assistant shall assess the information in the report. The physician assistant shall document in the patient's record that the report was received and the information

was assessed. 19155

(C) Division (B) of this section does not apply in any of the 19156  
following circumstances: 19157

(1) A drug database report regarding the patient is not 19158  
available, in which case the physician assistant shall document in 19159  
the patient's record the reason that the report is not available. 19160

(2) The drug is prescribed in an amount indicated for a 19161  
period not to exceed seven days. 19162

(3) The drug is prescribed for the treatment of cancer or 19163  
another condition associated with cancer. 19164

(4) The drug is prescribed to a hospice patient in a hospice 19165  
care program, as those terms are defined in section 3712.01 of the 19166  
Revised Code, or any other patient diagnosed as terminally ill. 19167

(5) The drug is prescribed for administration in a hospital, 19168  
nursing home, or residential care facility. 19169

(D) With respect to prescribing any drug that is not an 19170  
opioid analgesic or a benzodiazepine but is included in the drug 19171  
database pursuant to rules adopted under section 4729.84 of the 19172  
Revised Code, the state medical board shall adopt rules in 19173  
accordance with Chapter 119. of the Revised Code that establish 19174  
standards and procedures to be followed by a physician assistant 19175  
who holds a certificate to prescribe issued under this chapter 19176  
regarding the review of patient information available through the 19177  
drug database under division (A)(5) of section 4729.80 of the 19178  
Revised Code. The rules shall be adopted in accordance with 19179  
Chapter 119. of the Revised Code. 19180

~~(C)~~(E) This section and the rules adopted under it do not 19181  
apply if the state board of pharmacy no longer maintains the drug 19182  
database. 19183

**Sec. 4731.055.** (A) As used in this section: 19184

(1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(2) "Physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(B) The Except as provided in divisions (C) and (E) of this section, a physician shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine, or personally furnishing a complete or partial supply of such a drug, as part of a patient's course of treatment for a particular condition:

(1) Before initially prescribing or furnishing the drug, the physician or the physician's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the physician practices primarily in a county of this state that adjoins another state, the physician or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the physician or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.

(3) On receipt of a report under division (B)(1) or (2) of

this section, the physician shall assess the information in the 19216  
report. The physician shall document in the patient's record that 19217  
the report was received and the information was assessed. 19218

(C) Division (B) of this section does not apply in any of the 19219  
following circumstances: 19220

(1) A drug database report regarding the patient is not 19221  
available, in which case the physician shall document in the 19222  
patient's record the reason that the report is not available. 19223

(2) The drug is prescribed or personally furnished in an 19224  
amount indicated for a period not to exceed seven days. 19225

(3) The drug is prescribed or personally furnished for the 19226  
treatment of cancer or another condition associated with cancer. 19227

(4) The drug is prescribed or personally furnished to a 19228  
hospice patient in a hospice care program, as those terms are 19229  
defined in section 3712.01 of the Revised Code, or any other 19230  
patient diagnosed as terminally ill. 19231

(5) The drug is prescribed or personally furnished for 19232  
administration in a hospital, nursing home, or residential care 19233  
facility. 19234

(6) The drug is prescribed or personally furnished to treat 19235  
acute pain resulting from a surgical or other invasive procedure 19236  
or a delivery. 19237

(D) With respect to prescribing or personally furnishing any 19238  
drug that is not an opioid analgesic or a benzodiazepine but is 19239  
included in the drug database pursuant to rules adopted under 19240  
section 4729.84 of the Revised Code, the state medical board shall 19241  
adopt rules in accordance with Chapter 119. of the Revised Code 19242  
that establish standards and procedures to be followed by a 19243  
physician regarding the review of patient information available 19244  
through the drug database under division (A)(5) of section 4729.80 19245

of the Revised Code. The rules shall be adopted in accordance with 19246  
Chapter 119. of the Revised Code. 19247

~~(C)~~(E) This section and the rules adopted under it do not 19248  
apply if the state board of pharmacy no longer maintains the drug 19249  
database. 19250

**Sec. 4731.15.** (A)(1) The state medical board also shall 19251  
regulate the following limited branches of medicine: massage 19252  
therapy and cosmetic therapy, and to the extent specified in 19253  
section 4731.151 of the Revised Code, naprapathy and 19254  
mechanotherapy. The board shall adopt rules governing the limited 19255  
branches of medicine under its jurisdiction. The rules shall be 19256  
adopted in accordance with Chapter 119. of the Revised Code. 19257

(2) As used in this chapter, ~~"cosmetic:~~ 19258

(a) "Cosmetic therapy" means the permanent removal of hair 19259  
from the human body through the use of electric modalities 19260  
approved by the board for use in cosmetic therapy, and 19261  
additionally may include the systematic friction, stroking, 19262  
slapping, and kneading or tapping of the face, neck, scalp, or 19263  
shoulders. 19264

(b) "Massage therapy" means the treatment of disorders of the 19265  
human body by the manipulation of soft tissue through the 19266  
systematic external application of massage techniques including 19267  
touch, stroking, friction, vibration, percussion, kneading, 19268  
stretching, compression, and joint movements within the normal 19269  
physiologic range of motion; and adjunctive thereto, the external 19270  
application of water, heat, cold, topical preparations, and 19271  
mechanical devices. 19272

(B) A certificate to practice a limited branch of medicine 19273  
issued by the state medical board is valid for a two-year period, 19274  
except when an initial certificate is issued for a shorter period 19275

or when division (C)(2) of this section is applicable. The 19276  
certificate may be renewed in accordance with division (C) of this 19277  
section. 19278

(C)(1) Except as provided in division (C)(2) of this section, 19279  
all of the following apply with respect to the renewal of 19280  
certificates to practice a limited branch of medicine: 19281

(a) Each person seeking to renew a certificate to practice a 19282  
limited branch of medicine shall apply for biennial registration 19283  
with the state medical board on a renewal application form 19284  
prescribed by the board. An applicant for renewal shall pay a 19285  
biennial registration fee of one hundred dollars. 19286

(b) At least six months before a certificate expires, the 19287  
board shall mail or cause to be mailed a renewal notice to the 19288  
certificate holder's last known address. 19289

(c) At least three months before a certificate expires, the 19290  
certificate holder shall submit the renewal application and 19291  
biennial registration fee to the board. 19292

(2) Beginning with the 2009 registration period, the board 19293  
shall implement a staggered renewal system that is substantially 19294  
similar to the staggered renewal system the board uses under 19295  
division (B) of section 4731.281 of the Revised Code. 19296

(D) All persons who hold a certificate to practice a limited 19297  
branch of medicine issued by the state medical board shall provide 19298  
the board written notice of any change of address. The notice 19299  
shall be submitted to the board not later than thirty days after 19300  
the change of address. 19301

(E) A certificate to practice a limited branch of medicine 19302  
shall be automatically suspended if the certificate holder fails 19303  
to renew the certificate in accordance with division (C) of this 19304  
section. Continued practice after the suspension of the 19305  
certificate to practice shall be considered as practicing in 19306

violation of sections 4731.34 and 4731.41 of the Revised Code. 19307

If a certificate to practice has been suspended pursuant to 19308  
this division for two years or less, it may be reinstated. The 19309  
board shall reinstate the certificate upon an applicant's 19310  
submission of a renewal application and payment of the biennial 19311  
registration fee and the applicable monetary penalty. With regard 19312  
to reinstatement of a certificate to practice cosmetic therapy, 19313  
the applicant also shall submit with the application a 19314  
certification that the number of hours of continuing education 19315  
necessary to have a suspended certificate reinstated have been 19316  
completed, as specified in rules the board shall adopt in 19317  
accordance with Chapter 119. of the Revised Code. The penalty for 19318  
reinstatement shall be twenty-five dollars. 19319

If a certificate has been suspended pursuant to this division 19320  
for more than two years, it may be restored. Subject to section 19321  
4731.222 of the Revised Code, the board may restore the 19322  
certificate upon an applicant's submission of a restoration 19323  
application, the biennial registration fee, and the applicable 19324  
monetary penalty and compliance with sections 4776.01 to 4776.04 19325  
of the Revised Code. The board shall not restore to an applicant a 19326  
certificate to practice unless the board, in its discretion, 19327  
decides that the results of the criminal records check do not make 19328  
the applicant ineligible for a certificate issued pursuant to 19329  
section 4731.17 of the Revised Code. The penalty for restoration 19330  
is fifty dollars. 19331

~~Sec. 4731.155. (A) Except as provided in division (D) of this 19332  
section, each person holding a certificate to practice cosmetic 19333  
therapy shall complete biennially not less than twenty five hours 19334  
of continuing cosmetic therapy education. 19335~~

~~Cosmetic therapists shall earn continuing education credits 19336  
at the rate of one half credit hour for each twenty five to thirty 19337~~

~~minutes of instruction and one credit hour for each fifty to sixty  
minutes of instruction.~~ 19338  
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~~(B) Only continuing education approved by the state medical  
board may be used to fulfill the requirements of division (A) of  
this section.~~ 19340  
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~~(C) Each certified cosmetic therapist shall submit to the  
board at the time of biennial renewal pursuant to section 4731.15  
of the Revised Code a sworn affidavit, in a form acceptable to the  
board, attesting that the cosmetic therapist has completed  
continuing education programs in compliance with this section and  
listing the date, location, sponsor, subject matter, and hours  
completed of the programs.~~ 19343  
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~~(D) The state medical board shall may adopt rules providing  
for pro rata adjustments by month of the hours of that establish  
continuing education required by this section for persons who  
first receive a certificate during a registration period or who  
have a registration period that is shorter or longer than two  
years because of the implementation of a staggered renewal system  
under section 4731.15 of the Revised Code.~~ 19350  
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~~The board may excuse a cosmetic therapist from all or any  
part of the requirements of this section because of an unusual  
circumstance, emergency, or special hardship.~~ 19357  
19358  
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~~(E) Failure to comply with the requirements of this section  
constitutes a failure to renew pursuant to section 4731.15 of the  
Revised Code requirements for renewal under section 4731.15 of the  
Revised Code of a certificate to practice a limited branch of  
medicine. The rules shall be adopted in accordance with Chapter  
119. of the Revised Code.~~ 19360  
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**Sec. 4731.22.** (A) The state medical board, by an affirmative  
vote of not fewer than six of its members, may limit, revoke, or 19366  
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suspend an individual's certificate to practice, refuse to grant a certificate to an individual, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate if the individual or certificate holder is found by the board to have committed fraud during the administration of the examination for a certificate to practice or to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

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

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

(3) Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a

professional confidence" does not include providing any 19399  
information, documents, or reports to a child fatality review 19400  
board under sections 307.621 to 307.629 of the Revised Code and 19401  
does not include the making of a report of an employee's use of a 19402  
drug of abuse, or a report of a condition of an employee other 19403  
than one involving the use of a drug of abuse, to the employer of 19404  
the employee as described in division (B) of section 2305.33 of 19405  
the Revised Code. Nothing in this division affects the immunity 19406  
from civil liability conferred by that section upon a physician 19407  
who makes either type of report in accordance with division (B) of 19408  
that section. As used in this division, "employee," "employer," 19409  
and "physician" have the same meanings as in section 2305.33 of 19410  
the Revised Code. 19411

(5) Making a false, fraudulent, deceptive, or misleading 19412  
statement in the solicitation of or advertising for patients; in 19413  
relation to the practice of medicine and surgery, osteopathic 19414  
medicine and surgery, podiatric medicine and surgery, or a limited 19415  
branch of medicine; or in securing or attempting to secure any 19416  
certificate to practice or certificate of registration issued by 19417  
the board. 19418

As used in this division, "false, fraudulent, deceptive, or 19419  
misleading statement" means a statement that includes a 19420  
misrepresentation of fact, is likely to mislead or deceive because 19421  
of a failure to disclose material facts, is intended or is likely 19422  
to create false or unjustified expectations of favorable results, 19423  
or includes representations or implications that in reasonable 19424  
probability will cause an ordinarily prudent person to 19425  
misunderstand or be deceived. 19426

(6) A departure from, or the failure to conform to, minimal 19427  
standards of care of similar practitioners under the same or 19428  
similar circumstances, whether or not actual injury to a patient 19429  
is established; 19430

(7) Representing, with the purpose of obtaining compensation	19431
or other advantage as personal gain or for any other person, that	19432
an incurable disease or injury, or other incurable condition, can	19433
be permanently cured;	19434
(8) The obtaining of, or attempting to obtain, money or	19435
anything of value by fraudulent misrepresentations in the course	19436
of practice;	19437
(9) A plea of guilty to, a judicial finding of guilt of, or a	19438
judicial finding of eligibility for intervention in lieu of	19439
conviction for, a felony;	19440
(10) Commission of an act that constitutes a felony in this	19441
state, regardless of the jurisdiction in which the act was	19442
committed;	19443
(11) A plea of guilty to, a judicial finding of guilt of, or	19444
a judicial finding of eligibility for intervention in lieu of	19445
conviction for, a misdemeanor committed in the course of practice;	19446
(12) Commission of an act in the course of practice that	19447
constitutes a misdemeanor in this state, regardless of the	19448
jurisdiction in which the act was committed;	19449
(13) A plea of guilty to, a judicial finding of guilt of, or	19450
a judicial finding of eligibility for intervention in lieu of	19451
conviction for, a misdemeanor involving moral turpitude;	19452
(14) Commission of an act involving moral turpitude that	19453
constitutes a misdemeanor in this state, regardless of the	19454
jurisdiction in which the act was committed;	19455
(15) Violation of the conditions of limitation placed by the	19456
board upon a certificate to practice;	19457
(16) Failure to pay license renewal fees specified in this	19458
chapter;	19459
(17) Except as authorized in section 4731.31 of the Revised	19460

Code, engaging in the division of fees for referral of patients, 19461  
or the receiving of a thing of value in return for a specific 19462  
referral of a patient to utilize a particular service or business; 19463

(18) Subject to section 4731.226 of the Revised Code, 19464  
violation of any provision of a code of ethics of the American 19465  
medical association, the American osteopathic association, the 19466  
American podiatric medical association, or any other national 19467  
professional organizations that the board specifies by rule. The 19468  
state medical board shall obtain and keep on file current copies 19469  
of the codes of ethics of the various national professional 19470  
organizations. The individual whose certificate is being suspended 19471  
or revoked shall not be found to have violated any provision of a 19472  
code of ethics of an organization not appropriate to the 19473  
individual's profession. 19474

For purposes of this division, a "provision of a code of 19475  
ethics of a national professional organization" does not include 19476  
any provision that would preclude the making of a report by a 19477  
physician of an employee's use of a drug of abuse, or of a 19478  
condition of an employee other than one involving the use of a 19479  
drug of abuse, to the employer of the employee as described in 19480  
division (B) of section 2305.33 of the Revised Code. Nothing in 19481  
this division affects the immunity from civil liability conferred 19482  
by that section upon a physician who makes either type of report 19483  
in accordance with division (B) of that section. As used in this 19484  
division, "employee," "employer," and "physician" have the same 19485  
meanings as in section 2305.33 of the Revised Code. 19486

(19) Inability to practice according to acceptable and 19487  
prevailing standards of care by reason of mental illness or 19488  
physical illness, including, but not limited to, physical 19489  
deterioration that adversely affects cognitive, motor, or 19490  
perceptive skills. 19491

In enforcing this division, the board, upon a showing of a 19492

possible violation, may compel any individual authorized to 19493  
practice by this chapter or who has submitted an application 19494  
pursuant to this chapter to submit to a mental examination, 19495  
physical examination, including an HIV test, or both a mental and 19496  
a physical examination. The expense of the examination is the 19497  
responsibility of the individual compelled to be examined. Failure 19498  
to submit to a mental or physical examination or consent to an HIV 19499  
test ordered by the board constitutes an admission of the 19500  
allegations against the individual unless the failure is due to 19501  
circumstances beyond the individual's control, and a default and 19502  
final order may be entered without the taking of testimony or 19503  
presentation of evidence. If the board finds an individual unable 19504  
to practice because of the reasons set forth in this division, the 19505  
board shall require the individual to submit to care, counseling, 19506  
or treatment by physicians approved or designated by the board, as 19507  
a condition for initial, continued, reinstated, or renewed 19508  
authority to practice. An individual affected under this division 19509  
shall be afforded an opportunity to demonstrate to the board the 19510  
ability to resume practice in compliance with acceptable and 19511  
prevailing standards under the provisions of the individual's 19512  
certificate. For the purpose of this division, any individual who 19513  
applies for or receives a certificate to practice under this 19514  
chapter accepts the privilege of practicing in this state and, by 19515  
so doing, shall be deemed to have given consent to submit to a 19516  
mental or physical examination when directed to do so in writing 19517  
by the board, and to have waived all objections to the 19518  
admissibility of testimony or examination reports that constitute 19519  
a privileged communication. 19520

(20) Except when civil penalties are imposed under section 19521  
4731.225 or 4731.281 of the Revised Code, and subject to section 19522  
4731.226 of the Revised Code, violating or attempting to violate, 19523  
directly or indirectly, or assisting in or abetting the violation 19524  
of, or conspiring to violate, any provisions of this chapter or 19525

any rule promulgated by the board. 19526

This division does not apply to a violation or attempted 19527  
violation of, assisting in or abetting the violation of, or a 19528  
conspiracy to violate, any provision of this chapter or any rule 19529  
adopted by the board that would preclude the making of a report by 19530  
a physician of an employee's use of a drug of abuse, or of a 19531  
condition of an employee other than one involving the use of a 19532  
drug of abuse, to the employer of the employee as described in 19533  
division (B) of section 2305.33 of the Revised Code. Nothing in 19534  
this division affects the immunity from civil liability conferred 19535  
by that section upon a physician who makes either type of report 19536  
in accordance with division (B) of that section. As used in this 19537  
division, "employee," "employer," and "physician" have the same 19538  
meanings as in section 2305.33 of the Revised Code. 19539

(21) The violation of section 3701.79 of the Revised Code or 19540  
of any abortion rule adopted by the public health council pursuant 19541  
to section 3701.341 of the Revised Code; 19542

(22) Any of the following actions taken by an agency 19543  
responsible for authorizing, certifying, or regulating an 19544  
individual to practice a health care occupation or provide health 19545  
care services in this state or another jurisdiction, for any 19546  
reason other than the nonpayment of fees: the limitation, 19547  
revocation, or suspension of an individual's license to practice; 19548  
acceptance of an individual's license surrender; denial of a 19549  
license; refusal to renew or reinstate a license; imposition of 19550  
probation; or issuance of an order of censure or other reprimand; 19551

(23) The violation of section 2919.12 of the Revised Code or 19552  
the performance or inducement of an abortion upon a pregnant woman 19553  
with actual knowledge that the conditions specified in division 19554  
(B) of section 2317.56 of the Revised Code have not been satisfied 19555  
or with a heedless indifference as to whether those conditions 19556  
have been satisfied, unless an affirmative defense as specified in 19557

division (H)(2) of that section would apply in a civil action 19558  
authorized by division (H)(1) of that section; 19559

(24) The revocation, suspension, restriction, reduction, or 19560  
termination of clinical privileges by the United States department 19561  
of defense or department of veterans affairs or the termination or 19562  
suspension of a certificate of registration to prescribe drugs by 19563  
the drug enforcement administration of the United States 19564  
department of justice; 19565

(25) Termination or suspension from participation in the 19566  
medicare or medicaid programs by the department of health and 19567  
human services or other responsible agency for any act or acts 19568  
that also would constitute a violation of division (B)(2), (3), 19569  
(6), (8), or (19) of this section; 19570

(26) Impairment of ability to practice according to 19571  
acceptable and prevailing standards of care because of habitual or 19572  
excessive use or abuse of drugs, alcohol, or other substances that 19573  
impair ability to practice. 19574

For the purposes of this division, any individual authorized 19575  
to practice by this chapter accepts the privilege of practicing in 19576  
this state subject to supervision by the board. By filing an 19577  
application for or holding a certificate to practice under this 19578  
chapter, an individual shall be deemed to have given consent to 19579  
submit to a mental or physical examination when ordered to do so 19580  
by the board in writing, and to have waived all objections to the 19581  
admissibility of testimony or examination reports that constitute 19582  
privileged communications. 19583

If it has reason to believe that any individual authorized to 19584  
practice by this chapter or any applicant for certification to 19585  
practice suffers such impairment, the board may compel the 19586  
individual to submit to a mental or physical examination, or both. 19587  
The expense of the examination is the responsibility of the 19588

individual compelled to be examined. Any mental or physical 19589  
examination required under this division shall be undertaken by a 19590  
treatment provider or physician who is qualified to conduct the 19591  
examination and who is chosen by the board. 19592

Failure to submit to a mental or physical examination ordered 19593  
by the board constitutes an admission of the allegations against 19594  
the individual unless the failure is due to circumstances beyond 19595  
the individual's control, and a default and final order may be 19596  
entered without the taking of testimony or presentation of 19597  
evidence. If the board determines that the individual's ability to 19598  
practice is impaired, the board shall suspend the individual's 19599  
certificate or deny the individual's application and shall require 19600  
the individual, as a condition for initial, continued, reinstated, 19601  
or renewed certification to practice, to submit to treatment. 19602

Before being eligible to apply for reinstatement of a 19603  
certificate suspended under this division, the impaired 19604  
practitioner shall demonstrate to the board the ability to resume 19605  
practice in compliance with acceptable and prevailing standards of 19606  
care under the provisions of the practitioner's certificate. The 19607  
demonstration shall include, but shall not be limited to, the 19608  
following: 19609

(a) Certification from a treatment provider approved under 19610  
section 4731.25 of the Revised Code that the individual has 19611  
successfully completed any required inpatient treatment; 19612

(b) Evidence of continuing full compliance with an aftercare 19613  
contract or consent agreement; 19614

(c) Two written reports indicating that the individual's 19615  
ability to practice has been assessed and that the individual has 19616  
been found capable of practicing according to acceptable and 19617  
prevailing standards of care. The reports shall be made by 19618  
individuals or providers approved by the board for making the 19619



assessments and shall describe the basis for their determination. 19620

The board may reinstate a certificate suspended under this 19621  
division after that demonstration and after the individual has 19622  
entered into a written consent agreement. 19623

When the impaired practitioner resumes practice, the board 19624  
shall require continued monitoring of the individual. The 19625  
monitoring shall include, but not be limited to, compliance with 19626  
the written consent agreement entered into before reinstatement or 19627  
with conditions imposed by board order after a hearing, and, upon 19628  
termination of the consent agreement, submission to the board for 19629  
at least two years of annual written progress reports made under 19630  
penalty of perjury stating whether the individual has maintained 19631  
sobriety. 19632

(27) A second or subsequent violation of section 4731.66 or 19633  
4731.69 of the Revised Code; 19634

(28) Except as provided in division (N) of this section: 19635

(a) Waiving the payment of all or any part of a deductible or 19636  
copayment that a patient, pursuant to a health insurance or health 19637  
care policy, contract, or plan that covers the individual's 19638  
services, otherwise would be required to pay if the waiver is used 19639  
as an enticement to a patient or group of patients to receive 19640  
health care services from that individual; 19641

(b) Advertising that the individual will waive the payment of 19642  
all or any part of a deductible or copayment that a patient, 19643  
pursuant to a health insurance or health care policy, contract, or 19644  
plan that covers the individual's services, otherwise would be 19645  
required to pay. 19646

(29) Failure to use universal blood and body fluid 19647  
precautions established by rules adopted under section 4731.051 of 19648  
the Revised Code; 19649

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file; 19650  
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(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter; 19655  
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(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; 19659  
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(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 19666  
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 19669  
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(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised 19679  
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Code and the board's rules for providing that supervision;	19681
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	19682 19683 19684
(37) Assisting suicide as defined in section 3795.01 of the Revised Code;	19685 19686
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	19687 19688
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	19689 19690 19691
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	19692 19693 19694
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	19695 19696 19697 19698
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	19699 19700 19701 19702
(43) Failure to comply with the requirements of section 4729.79 <u>or 4731.055</u> of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	19703 19704 19705 19706
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	19707 19708 19709 19710

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

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

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

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

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

If the board takes disciplinary action against an individual 19742  
under division (B) of this section for a second or subsequent plea 19743  
of guilty to, or judicial finding of guilt of, a violation of 19744  
section 2919.123 of the Revised Code, the disciplinary action 19745  
shall consist of a suspension of the individual's certificate to 19746  
practice for a period of at least one year or, if determined 19747  
appropriate by the board, a more serious sanction involving the 19748  
individual's certificate to practice. Any consent agreement 19749  
entered into under this division with an individual that pertains 19750  
to a second or subsequent plea of guilty to, or judicial finding 19751  
of guilt of, a violation of that section shall provide for a 19752  
suspension of the individual's certificate to practice for a 19753  
period of at least one year or, if determined appropriate by the 19754  
board, a more serious sanction involving the individual's 19755  
certificate to practice. 19756

(D) For purposes of divisions (B)(10), (12), and (14) of this 19757  
section, the commission of the act may be established by a finding 19758  
by the board, pursuant to an adjudication under Chapter 119. of 19759  
the Revised Code, that the individual committed the act. The board 19760  
does not have jurisdiction under those divisions if the trial 19761  
court renders a final judgment in the individual's favor and that 19762  
judgment is based upon an adjudication on the merits. The board 19763  
has jurisdiction under those divisions if the trial court issues 19764  
an order of dismissal upon technical or procedural grounds. 19765

(E) The sealing of conviction records by any court shall have 19766  
no effect upon a prior board order entered under this section or 19767  
upon the board's jurisdiction to take action under this section 19768  
if, based upon a plea of guilty, a judicial finding of guilt, or a 19769  
judicial finding of eligibility for intervention in lieu of 19770  
conviction, the board issued a notice of opportunity for a hearing 19771  
prior to the court's order to seal the records. The board shall 19772  
not be required to seal, destroy, redact, or otherwise modify its 19773

records to reflect the court's sealing of conviction records. 19774

(F)(1) The board shall investigate evidence that appears to 19775  
show that a person has violated any provision of this chapter or 19776  
any rule adopted under it. Any person may report to the board in a 19777  
signed writing any information that the person may have that 19778  
appears to show a violation of any provision of this chapter or 19779  
any rule adopted under it. In the absence of bad faith, any person 19780  
who reports information of that nature or who testifies before the 19781  
board in any adjudication conducted under Chapter 119. of the 19782  
Revised Code shall not be liable in damages in a civil action as a 19783  
result of the report or testimony. Each complaint or allegation of 19784  
a violation received by the board shall be assigned a case number 19785  
and shall be recorded by the board. 19786

(2) Investigations of alleged violations of this chapter or 19787  
any rule adopted under it shall be supervised by the supervising 19788  
member elected by the board in accordance with section 4731.02 of 19789  
the Revised Code and by the secretary as provided in section 19790  
4731.39 of the Revised Code. The president may designate another 19791  
member of the board to supervise the investigation in place of the 19792  
supervising member. No member of the board who supervises the 19793  
investigation of a case shall participate in further adjudication 19794  
of the case. 19795

(3) In investigating a possible violation of this chapter or 19796  
any rule adopted under this chapter, or in conducting an 19797  
inspection under division (E) of section 4731.054 of the Revised 19798  
Code, the board may question witnesses, conduct interviews, 19799  
administer oaths, order the taking of depositions, inspect and 19800  
copy any books, accounts, papers, records, or documents, issue 19801  
subpoenas, and compel the attendance of witnesses and production 19802  
of books, accounts, papers, records, documents, and testimony, 19803  
except that a subpoena for patient record information shall not be 19804  
issued without consultation with the attorney general's office and 19805

approval of the secretary and supervising member of the board. 19806

(a) Before issuance of a subpoena for patient record 19807  
information, the secretary and supervising member shall determine 19808  
whether there is probable cause to believe that the complaint 19809  
filed alleges a violation of this chapter or any rule adopted 19810  
under it and that the records sought are relevant to the alleged 19811  
violation and material to the investigation. The subpoena may 19812  
apply only to records that cover a reasonable period of time 19813  
surrounding the alleged violation. 19814

(b) On failure to comply with any subpoena issued by the 19815  
board and after reasonable notice to the person being subpoenaed, 19816  
the board may move for an order compelling the production of 19817  
persons or records pursuant to the Rules of Civil Procedure. 19818

(c) A subpoena issued by the board may be served by a 19819  
sheriff, the sheriff's deputy, or a board employee designated by 19820  
the board. Service of a subpoena issued by the board may be made 19821  
by delivering a copy of the subpoena to the person named therein, 19822  
reading it to the person, or leaving it at the person's usual 19823  
place of residence, usual place of business, or address on file 19824  
with the board. When serving a subpoena to an applicant for or the 19825  
holder of a certificate issued under this chapter, service of the 19826  
subpoena may be made by certified mail, return receipt requested, 19827  
and the subpoena shall be deemed served on the date delivery is 19828  
made or the date the person refuses to accept delivery. If the 19829  
person being served refuses to accept the subpoena or is not 19830  
located, service may be made to an attorney who notifies the board 19831  
that the attorney is representing the person. 19832

(d) A sheriff's deputy who serves a subpoena shall receive 19833  
the same fees as a sheriff. Each witness who appears before the 19834  
board in obedience to a subpoena shall receive the fees and 19835  
mileage provided for under section 119.094 of the Revised Code. 19836

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

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

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

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality



is maintained with respect to any part of the information that 19869  
contains names or other identifying information about patients or 19870  
complainants whose confidentiality was protected by the state 19871  
medical board when the information was in the board's possession. 19872  
Measures to ensure confidentiality that may be taken by the court 19873  
include sealing its records or deleting specific information from 19874  
its records. 19875

(6) On a quarterly basis, the board shall prepare a report 19876  
that documents the disposition of all cases during the preceding 19877  
three months. The report shall contain the following information 19878  
for each case with which the board has completed its activities: 19879

(a) The case number assigned to the complaint or alleged 19880  
violation; 19881

(b) The type of certificate to practice, if any, held by the 19882  
individual against whom the complaint is directed; 19883

(c) A description of the allegations contained in the 19884  
complaint; 19885

(d) The disposition of the case. 19886

The report shall state how many cases are still pending and 19887  
shall be prepared in a manner that protects the identity of each 19888  
person involved in each case. The report shall be a public record 19889  
under section 149.43 of the Revised Code. 19890

(G) If the secretary and supervising member determine both of 19891  
the following, they may recommend that the board suspend an 19892  
individual's certificate to practice without a prior hearing: 19893

(1) That there is clear and convincing evidence that an 19894  
individual has violated division (B) of this section; 19895

(2) That the individual's continued practice presents a 19896  
danger of immediate and serious harm to the public. 19897

Written allegations shall be prepared for consideration by 19898

the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

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

(H) If the board takes action under division (B)(9), (11), or (13) of this section and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition of that nature and supporting court documents, the board shall reinstate the individual's certificate

to practice. The board may then hold an adjudication under Chapter 19931  
119. of the Revised Code to determine whether the individual 19932  
committed the act in question. Notice of an opportunity for a 19933  
hearing shall be given in accordance with Chapter 119. of the 19934  
Revised Code. If the board finds, pursuant to an adjudication held 19935  
under this division, that the individual committed the act or if 19936  
no hearing is requested, the board may order any of the sanctions 19937  
identified under division (B) of this section. 19938

(I) The certificate to practice issued to an individual under 19939  
this chapter and the individual's practice in this state are 19940  
automatically suspended as of the date of the individual's second 19941  
or subsequent plea of guilty to, or judicial finding of guilt of, 19942  
a violation of section 2919.123 of the Revised Code, or the date 19943  
the individual pleads guilty to, is found by a judge or jury to be 19944  
guilty of, or is subject to a judicial finding of eligibility for 19945  
intervention in lieu of conviction in this state or treatment or 19946  
intervention in lieu of conviction in another jurisdiction for any 19947  
of the following criminal offenses in this state or a 19948  
substantially equivalent criminal offense in another jurisdiction: 19949  
aggravated murder, murder, voluntary manslaughter, felonious 19950  
assault, kidnapping, rape, sexual battery, gross sexual 19951  
imposition, aggravated arson, aggravated robbery, or aggravated 19952  
burglary. Continued practice after suspension shall be considered 19953  
practicing without a certificate. 19954

The board shall notify the individual subject to the 19955  
suspension by certified mail or in person in accordance with 19956  
section 119.07 of the Revised Code. If an individual whose 19957  
certificate is automatically suspended under this division fails 19958  
to make a timely request for an adjudication under Chapter 119. of 19959  
the Revised Code, the board shall do whichever of the following is 19960  
applicable: 19961

(1) If the automatic suspension under this division is for a 19962

second or subsequent plea of guilty to, or judicial finding of 19963  
guilt of, a violation of section 2919.123 of the Revised Code, the 19964  
board shall enter an order suspending the individual's certificate 19965  
to practice for a period of at least one year or, if determined 19966  
appropriate by the board, imposing a more serious sanction 19967  
involving the individual's certificate to practice. 19968

(2) In all circumstances in which division (I)(1) of this 19969  
section does not apply, enter a final order permanently revoking 19970  
the individual's certificate to practice. 19971

(J) If the board is required by Chapter 119. of the Revised 19972  
Code to give notice of an opportunity for a hearing and if the 19973  
individual subject to the notice does not timely request a hearing 19974  
in accordance with section 119.07 of the Revised Code, the board 19975  
is not required to hold a hearing, but may adopt, by an 19976  
affirmative vote of not fewer than six of its members, a final 19977  
order that contains the board's findings. In that final order, the 19978  
board may order any of the sanctions identified under division (A) 19979  
or (B) of this section. 19980

(K) Any action taken by the board under division (B) of this 19981  
section resulting in a suspension from practice shall be 19982  
accompanied by a written statement of the conditions under which 19983  
the individual's certificate to practice may be reinstated. The 19984  
board shall adopt rules governing conditions to be imposed for 19985  
reinstatement. Reinstatement of a certificate suspended pursuant 19986  
to division (B) of this section requires an affirmative vote of 19987  
not fewer than six members of the board. 19988

(L) When the board refuses to grant a certificate to an 19989  
applicant, revokes an individual's certificate to practice, 19990  
refuses to register an applicant, or refuses to reinstate an 19991  
individual's certificate to practice, the board may specify that 19992  
its action is permanent. An individual subject to a permanent 19993  
action taken by the board is forever thereafter ineligible to hold 19994

a certificate to practice and the board shall not accept an 19995  
application for reinstatement of the certificate or for issuance 19996  
of a new certificate. 19997

(M) Notwithstanding any other provision of the Revised Code, 19998  
all of the following apply: 19999

(1) The surrender of a certificate issued under this chapter 20000  
shall not be effective unless or until accepted by the board. A 20001  
telephone conference call may be utilized for acceptance of the 20002  
surrender of an individual's certificate to practice. The 20003  
telephone conference call shall be considered a special meeting 20004  
under division (F) of section 121.22 of the Revised Code. 20005  
Reinstatement of a certificate surrendered to the board requires 20006  
an affirmative vote of not fewer than six members of the board. 20007

(2) An application for a certificate made under the 20008  
provisions of this chapter may not be withdrawn without approval 20009  
of the board. 20010

(3) Failure by an individual to renew a certificate of 20011  
registration in accordance with this chapter shall not remove or 20012  
limit the board's jurisdiction to take any disciplinary action 20013  
under this section against the individual. 20014

(4) At the request of the board, a certificate holder shall 20015  
immediately surrender to the board a certificate that the board 20016  
has suspended, revoked, or permanently revoked. 20017

(N) Sanctions shall not be imposed under division (B)(28) of 20018  
this section against any person who waives deductibles and 20019  
copayments as follows: 20020

(1) In compliance with the health benefit plan that expressly 20021  
allows such a practice. Waiver of the deductibles or copayments 20022  
shall be made only with the full knowledge and consent of the plan 20023  
purchaser, payer, and third-party administrator. Documentation of 20024  
the consent shall be made available to the board upon request. 20025

(2) For professional services rendered to any other person	20026
authorized to practice pursuant to this chapter, to the extent	20027
allowed by this chapter and rules adopted by the board.	20028
(0) Under the board's investigative duties described in this	20029
section and subject to division (F) of this section, the board	20030
shall develop and implement a quality intervention program	20031
designed to improve through remedial education the clinical and	20032
communication skills of individuals authorized under this chapter	20033
to practice medicine and surgery, osteopathic medicine and	20034
surgery, and podiatric medicine and surgery. In developing and	20035
implementing the quality intervention program, the board may do	20036
all of the following:	20037
(1) Offer in appropriate cases as determined by the board an	20038
educational and assessment program pursuant to an investigation	20039
the board conducts under this section;	20040
(2) Select providers of educational and assessment services,	20041
including a quality intervention program panel of case reviewers;	20042
(3) Make referrals to educational and assessment service	20043
providers and approve individual educational programs recommended	20044
by those providers. The board shall monitor the progress of each	20045
individual undertaking a recommended individual educational	20046
program.	20047
(4) Determine what constitutes successful completion of an	20048
individual educational program and require further monitoring of	20049
the individual who completed the program or other action that the	20050
board determines to be appropriate;	20051
(5) Adopt rules in accordance with Chapter 119. of the	20052
Revised Code to further implement the quality intervention	20053
program.	20054
An individual who participates in an individual educational	20055
program pursuant to this division shall pay the financial	20056

obligations arising from that educational program. 20057

**Sec. 4731.24.** Except as provided in sections 4731.281 and 20058  
4731.40 of the Revised Code, all receipts of the state medical 20059  
board, from any source, shall be deposited in the state treasury. 20060  
Until July 1, 1998, the funds shall be deposited to the credit of 20061  
the occupational licensing and regulatory fund. On and after July 20062  
1, 1998, the funds shall be deposited to the credit of the state 20063  
medical board operating fund, which is hereby created on July 1, 20064  
1998. All Except as provided in section 4731.24 of the Revised 20065  
Code, all funds deposited into the state treasury under this 20066  
section shall be used solely for the administration and 20067  
enforcement of this chapter and Chapters 4730., 4760., 4762., 20068  
4774., and 4778. of the Revised Code by the board. 20069

**Sec. 4731.241.** (A) The state medical board may solicit and 20070  
accept grants and services from public and private sources for the 20071  
purpose of developing and maintaining programs that address 20072  
patient safety and education, supply and demand of health care 20073  
professionals, and information sharing with the public and the 20074  
individuals regulated by the board. The board shall not solicit or 20075  
accept a grant or service that would interfere with the board's 20076  
independence or objectivity, as determined by the board. 20077

Money received by the board under this ~~section~~ division shall 20078  
be deposited into the state treasury to the credit of the medical 20079  
board education and patient safety fund, which is hereby created. 20080  
The money shall be used solely in accordance with this section. 20081

(B) The board may accept from the state, a political 20082  
subdivision of the state, or the federal government money that 20083  
results from a fine, civil penalty, or seizure or forfeiture of 20084  
property. Money received by the board under this division shall be 20085  
deposited in accordance with section 4731.24 of the Revised Code. 20086

The money shall be used solely to further the investigation, 20087  
enforcement, and compliance activities of the board. 20088

**Sec. 4731.281.** (A) On or before the deadline established 20089  
under division (B) of this section for applying for renewal of a 20090  
certificate of registration, each person holding a certificate 20091  
under this chapter to practice medicine and surgery, osteopathic 20092  
medicine and surgery, or podiatric medicine and surgery shall 20093  
certify to the state medical board that in the preceding two years 20094  
the person has completed one hundred hours of continuing medical 20095  
education. The certification shall be made upon the application 20096  
for biennial registration submitted pursuant to division (B) of 20097  
this section. The board shall adopt rules providing for pro rata 20098  
reductions by month of the number of hours of continuing education 20099  
required for persons who are in their first registration period, 20100  
who have been disabled due to illness or accident, or who have 20101  
been absent from the country. 20102

In determining whether a course, program, or activity 20103  
qualifies for credit as continuing medical education, the board 20104  
shall approve all continuing medical education taken by persons 20105  
holding a certificate to practice medicine and surgery that is 20106  
certified by the Ohio state medical association, all continuing 20107  
medical education taken by persons holding a certificate to 20108  
practice osteopathic medicine and surgery that is certified by the 20109  
Ohio osteopathic association, and all continuing medical education 20110  
taken by persons holding a certificate to practice podiatric 20111  
medicine and surgery that is certified by the Ohio podiatric 20112  
medical association. Each person holding a certificate to practice 20113  
under this chapter shall be given sufficient choice of continuing 20114  
education programs to ensure that the person has had a reasonable 20115  
opportunity to participate in continuing education programs that 20116  
are relevant to the person's medical practice in terms of subject 20117  
matter and level. 20118



The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.

(B)(1) Every person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery wishing to renew that certificate shall apply to the board for a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a fee of three hundred five dollars, according to the following schedule:

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;

(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(f) Persons whose last name begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter.

The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.

(2) The board shall mail or cause to be mailed to every person registered to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a notice of registration renewal addressed to the person's last known address or may cause the notice to be sent to the person through the secretary of any recognized medical, osteopathic, or podiatric society, according to the following schedule:

(a) To persons whose last name begins with the letters "A" through "B," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter;

(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd-numbered year thereafter.

(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section.

(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for registration renewal in a form determined by the board. ~~The~~

(5) ~~The~~ applicant shall provide in the application the applicant's full name, principal practice address and residence address, the number of the applicant's certificate to practice, and any other information required by the board. ~~The~~

(6)(a) Except as provided in division (B)(6)(b) of this section, in the case of an applicant who prescribes or personally furnishes opioid analgesics or benzodiazepines, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division (B)(6)(a) of this section

does not apply if either of the following is the case: 20210

(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database. 20211  
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(ii) The state board of pharmacy no longer maintains the drug database. 20215  
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(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code. 20217  
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(7) The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code. ~~The applicant shall execute and deliver the application to the board in a manner prescribed by the board.~~ Every person registered under this section shall give written notice to the state medical board of any change of principal practice address or residence address or in the list within thirty days of the change. 20222  
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(8) The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a certificate of registration. 20232  
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(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board. 20237  
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(C) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery, osteopathic 20239  
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medicine and surgery, or podiatric medicine and surgery, upon 20241  
application and qualification therefor in accordance with this 20242  
section, a certificate of registration under the seal of the 20243  
board. A certificate of registration shall be valid for a two-year 20244  
period. 20245

(D) Failure of any certificate holder to register and comply 20246  
with this section shall operate automatically to suspend the 20247  
holder's certificate to practice. Continued practice after the 20248  
suspension of the certificate to practice shall be considered as 20249  
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 20250  
the Revised Code. If the certificate has been suspended pursuant 20251  
to this division for two years or less, it may be reinstated. The 20252  
board shall reinstate a certificate to practice suspended for 20253  
failure to register upon an applicant's submission of a renewal 20254  
application, the biennial registration fee, and the applicable 20255  
monetary penalty. The penalty for reinstatement shall be fifty 20256  
dollars. If the certificate has been suspended pursuant to this 20257  
division for more than two years, it may be restored. Subject to 20258  
section 4731.222 of the Revised Code, the board may restore a 20259  
certificate to practice suspended for failure to register upon an 20260  
applicant's submission of a restoration application, the biennial 20261  
registration fee, and the applicable monetary penalty and 20262  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 20263  
The board shall not restore to an applicant a certificate to 20264  
practice unless the board, in its discretion, decides that the 20265  
results of the criminal records check do not make the applicant 20266  
ineligible for a certificate issued pursuant to section 4731.14, 20267  
4731.56, or 4731.57 of the Revised Code. The penalty for 20268  
restoration shall be one hundred dollars. The board shall deposit 20269  
the penalties in accordance with section 4731.24 of the Revised 20270  
Code. 20271

(E) If an individual certifies completion of the number of 20272

hours and type of continuing medical education required to receive 20273  
a certificate of registration or reinstatement of a certificate to 20274  
practice, and the board finds through the random samples it 20275  
conducts under this section or through any other means that the 20276  
individual did not complete the requisite continuing medical 20277  
education, the board may impose a civil penalty of not more than 20278  
five thousand dollars. The board's finding shall be made pursuant 20279  
to an adjudication under Chapter 119. of the Revised Code and by 20280  
an affirmative vote of not fewer than six members. 20281

A civil penalty imposed under this division may be in 20282  
addition to or in lieu of any other action the board may take 20283  
under section 4731.22 of the Revised Code. The board shall deposit 20284  
civil penalties in accordance with section 4731.24 of the Revised 20285  
Code. 20286

(F) The state medical board may obtain information not 20287  
protected by statutory or common law privilege from courts and 20288  
other sources concerning malpractice claims against any person 20289  
holding a certificate to practice under this chapter or practicing 20290  
as provided in section 4731.36 of the Revised Code. 20291

(G) Each mailing sent by the board under division (B)(2) of 20292  
this section to a person registered to practice medicine and 20293  
surgery or osteopathic medicine and surgery shall inform the 20294  
applicant of the reporting requirement established by division (H) 20295  
of section 3701.79 of the Revised Code. At the discretion of the 20296  
board, the information may be included on the application for 20297  
registration or on an accompanying page. 20298

Sec. 4731.77. When a physician orders a test for the presence 20299  
of Lyme disease in a patient, the physician or physician's 20300  
delegate shall provide to the patient or patient's representative 20301  
a written notice with the following information: 20302

"Your health care provider has ordered a test for the 20303

presence of Lyme disease. Current testing for Lyme disease can be 20304  
problematic and may lead to false results. If you are tested for 20305  
Lyme disease and the results are positive, this does not 20306  
necessarily mean that you have contracted Lyme disease. In the 20307  
alternative, if the results are negative, this does not 20308  
necessarily mean that you have not contracted Lyme disease. If you 20309  
continue to experience symptoms or have other health concerns, you 20310  
should contact your health care provider and inquire about the 20311  
appropriateness of additional testing or treatment." 20312

The physician or physician's delegate shall obtain a 20313  
signature from the patient or patient's representative indicating 20314  
receipt of the notice. The document containing the signature shall 20315  
be kept in the patient's record. 20316

**Sec. 4737.045.** (A) To register as a scrap metal dealer or a 20317  
bulk merchandise container dealer with the director of public 20318  
safety as required by division (B) of section 4737.04 of the 20319  
Revised Code, a person shall do all of the following: 20320

(1) Provide the name and street address of the dealer's place 20321  
of business; 20322

(2) Provide the name of the primary owner of the business, 20323  
and of the manager of the business, if the manager is not the 20324  
primary owner; 20325

(3) Provide the electronic mail address of the business; 20326

(4) Provide confirmation that the dealer has the capabilities 20327  
to electronically connect with the department of public safety for 20328  
the purpose of sending and receiving information; 20329

(5) Provide any other information required by the director in 20330  
rules the director adopts pursuant to sections 4737.01 to 4737.045 20331  
of the Revised Code; 20332

(6) Pay an initial registration fee of two hundred dollars. 20333

(B) A person engaging in the business of a scrap metal dealer 20334  
or a bulk merchandise container dealer in this state on or before 20335  
~~the effective date of this section September 28, 2012,~~ shall 20336  
register with the director not later than January 1, 2013. With 20337  
respect to a person who commences engaging in the business of a 20338  
scrap metal dealer or a bulk merchandise container dealer after 20339  
~~the effective date of this section September 28, 2012,~~ the person 20340  
shall register with the director pursuant to this section prior to 20341  
commencing business as a scrap metal dealer or a bulk merchandise 20342  
container dealer. 20343

(C) A registration issued to a scrap metal dealer or a bulk 20344  
merchandise container dealer pursuant to this section is valid for 20345  
a period of one year. A dealer shall renew the registration in 20346  
accordance with the rules adopted by the director and pay a 20347  
renewal fee of one hundred fifty dollars to cover the costs of 20348  
operating and maintaining the registry created pursuant to 20349  
division (E) of this section. 20350

(D) A scrap metal dealer or a bulk merchandise container 20351  
dealer registered under this section shall prominently display a 20352  
copy of the annual registration certificate received from the 20353  
director pursuant to division (E)(2) of this section. 20354

(E) The director shall do all of the following: 20355

(1) Develop and implement, by January 1, 2014, and maintain 20356  
as a registry a secure database for use by law enforcement 20357  
agencies that is capable of all of the following: 20358

(a) Receiving and securely storing all of the information 20359  
required by division (A) of this section and the daily transaction 20360  
data that scrap metal dealers and bulk merchandise dealers are 20361  
required to send pursuant to division (E)(1) of section 4737.04 of 20362  
the Revised Code; 20363

(b) Providing secure search capabilities to law enforcement 20364



agencies for enforcement purposes;	20365
(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;	20366 20367 20368 20369
(d) Making the electronic lists prepared pursuant to division (F)(2) of section 4737.04 of the Revised Code available through an electronic searchable format for individual law enforcement agencies and for dealers in the state;	20370 20371 20372 20373
(e) Providing, without charge, interlink programming enabling the transfer of information to dealers.	20374 20375
(2) Issue, reissue, or deny registration to dealers;	20376
(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.	20377 20378 20379 20380 20381 20382 20383 20384 20385
(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.	20386 20387 20388 20389
(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section. The fees shall be deposited into the <del>security, investigations, and policing</del> <u>infrastructure protection</u> fund <u>which is hereby created in section 4501.11 of the Revised Code</u> <del>the state</del>	20390 20391 20392 20393 20394 20395

treasury. 20396

Sec. 4741.49. (A) A person holding a license, limited license, or temporary permit to practice veterinary medicine who orders a test for the presence of Lyme disease in an animal under the person's care may report to the department of health any test result indicating the presence of the disease. 20397  
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(B) The director of health may adopt rules regarding the submission of reports described in this section. If rules are adopted, the rules shall be adopted in accordance with Chapter 119. of the Revised Code. 20402  
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**Sec. 4758.01.** As used in this chapter: 20406

(A) "Accredited educational institution" means an educational institution accredited by an accrediting agency accepted by the Ohio board of regents. 20407  
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(B)(1) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following: 20410  
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(a) Analyzing background and current information; 20415

(b) Exploring possible solutions; 20416

(c) Developing and providing a treatment plan; 20417

(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions. 20418  
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(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency 20422  
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conditions. 20425

(C) "Alcohol and other drug prevention services" means a 20426  
planned process of strategies and activities designed to preclude 20427  
the onset of the use of alcohol and other drugs, reduce 20428  
problematic use of alcohol and other drugs, or both. 20429

(D) "Chemical dependency conditions" means those conditions 20430  
relating to the abuse of or dependency on alcohol or other drugs 20431  
that are classified in accepted nosologies, including the 20432  
diagnostic and statistical manual of mental disorders and the 20433  
international classification of diseases, and in editions of those 20434  
nosologies published after December 23, 2002. 20435

(E) "Chemical dependency counseling" means rendering or 20436  
offering to render to individuals, groups, or the public a 20437  
counseling service involving the application of alcohol and other 20438  
drug clinical counseling principles, methods, or procedures to 20439  
assist individuals who are abusing or dependent on alcohol or 20440  
other drugs. 20441

(F) "Gambling disorder" means a persistent and recurring 20442  
maladaptive gambling behavior that is classified in accepted 20443  
nosologies, including the diagnostic and statistical manual of 20444  
mental disorders and the international classification of diseases, 20445  
and in editions of those nosologies published after the effective 20446  
date of this section. 20447

(G) Unless the context provides otherwise, "scope of 20448  
practice" means the services, methods, and techniques in which and 20449  
the areas for which a person who holds a license ~~or~~ certificate, 20450  
or endorsement under this chapter is trained and qualified. 20451

~~(G)~~(H) "Substance abuse professional" has the same meaning as 20452  
in 49 C.F.R. 40.3. 20453

~~(H)~~(I) "U.S. department of transportation drug and alcohol 20454  
testing program" means a transportation workplace drug and alcohol 20455

testing program governed by 49 C.F.R. part 40. 20456

**Sec. 4758.02.** (A) Except as provided in section 4758.03 of 20457  
the Revised Code, no person shall do any of the following: 20458

(1) Engage in or represent to the public that the person 20459  
engages in chemical dependency counseling for a fee, salary, or 20460  
other consideration unless the person holds a valid independent 20461  
chemical dependency counselor-clinical supervisor license, 20462  
independent chemical dependency counselor license, chemical 20463  
dependency counselor III license, chemical dependency counselor II 20464  
license, or chemical dependency counselor assistant certificate 20465  
issued under this chapter; 20466

(2) Use the title "licensed independent chemical dependency 20467  
counselor-clinical supervisor," "LICDC-CS," "licensed independent 20468  
chemical dependency counselor," "LICDC," "licensed chemical 20469  
dependency counselor III," "LCDC III," "licensed chemical 20470  
dependency counselor II," "LCDC II," "chemical dependency 20471  
counselor assistant," "CDCA," or any other title or description 20472  
incorporating the word "chemical dependency counselor" or any 20473  
other initials used to identify persons acting in those capacities 20474  
unless currently authorized under this chapter to act in the 20475  
capacity indicated by the title or initials; 20476

(3) Represent to the public that the person holds a gambling 20477  
disorder endorsement unless the person holds a valid gambling 20478  
disorder endorsement issued under this chapter; 20479

(4) Represent to the public that the person is a registered 20480  
applicant unless the person holds a valid registered applicant 20481  
certificate issued under this chapter; 20482

~~(4)~~(5) Use the title "certified prevention specialist II," 20483  
"CPS II," "certified prevention specialist I," "CPS I," "certified 20484  
prevention specialist assistant," "CPSA," "registered applicant," 20485

"RA," or any other title, description, or initials used to 20486  
identify persons acting in those capacities unless currently 20487  
authorized under this chapter to act in the capacity indicated by 20488  
the title or initials. 20489

(B) No person shall engage in or represent to the public that 20490  
the person engages in chemical dependency counseling as a chemical 20491  
dependency counselor I. 20492

**Sec. 4758.06.** No individual who holds or has held a license 20493  
~~or, certificate, or endorsement~~ issued under this chapter shall 20494  
disclose any information regarding the identity, diagnosis, or 20495  
treatment of any of the individual's clients or consumers except 20496  
for the purposes and under the circumstances expressly authorized 20497  
by 42 U.S.C.A. 290dd-2, regulations promulgated pursuant to that 20498  
federal law, other federal law enacted after ~~the effective date of~~ 20499  
~~this section~~ December 23, 2002, to replace 42 U.S.C.A. 290dd-2, or 20500  
regulations promulgated under the replacement federal law. The 20501  
prohibition of this section applies whether or not the information 20502  
is recorded. 20503

**Sec. 4758.16.** The chemical dependency professionals board 20504  
shall not discriminate against any licensee, certificate holder, 20505  
endorsement holder, or applicant for a license ~~or, certificate, or~~ 20506  
endorsement under this chapter because of the individual's race, 20507  
color, religion, gender, national origin, disability as defined in 20508  
section 4112.01 of the Revised Code, or age. The board shall 20509  
afford a hearing to any individual who files with the board a 20510  
statement alleging discrimination based on any of those reasons. 20511

**Sec. 4758.20.** (A) The chemical dependency professionals board 20512  
shall adopt rules to establish, specify, or provide for all of the 20513  
following: 20514

(1) Fees for the purposes authorized by section 4758.21 of 20515

the Revised Code; 20516

(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; 20517  
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(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; 20522  
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(4) For the purpose of section 4758.24 of the Revised Code, all of the following: 20526  
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(a) Good moral character requirements for an individual who seeks or holds a license ~~or~~, certificate, or endorsement issued under this chapter; 20528  
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(b) The documents that an individual seeking such a license ~~or~~, certificate, or endorsement must submit to the board; 20531  
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(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. 20533  
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(d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate. 20538  
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(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; 20541  
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(6) For the purpose of section 4758.30 of the Revised Code, 20545

the intervention for and treatment of an individual holding a 20546  
license ~~or~~, certificate, or endorsement issued under this chapter 20547  
whose abilities to practice are impaired due to abuse of or 20548  
dependency on alcohol or other drugs or other physical or mental 20549  
condition; 20550

(7) Requirements governing reinstatement of a suspended or 20551  
revoked license ~~or~~, certificate, or endorsement under division (B) 20552  
of section 4758.30 of the Revised Code, including requirements for 20553  
determining the amount of time an individual must wait to apply 20554  
for reinstatement; 20555

(8) For the purpose of section 4758.31 of the Revised Code, 20556  
methods of ensuring that all records the board holds pertaining to 20557  
an investigation remain confidential during the investigation; 20558

(9) Criteria for employees of the board to follow when 20559  
performing their duties under division (B) of section 4758.35 of 20560  
the Revised Code; 20561

(10) For the purpose of division (A)(1) of section 4758.39 20562  
and division (A)(1) of section 4758.40 of the Revised Code, course 20563  
requirements for a degree in a behavioral science or nursing that 20564  
shall, at a minimum, include at least forty semester hours in all 20565  
of the following courses: 20566

(a) Theories of counseling and psychotherapy; 20567

(b) Counseling procedures; 20568

(c) Group process and techniques; 20569

(d) Relationship therapy; 20570

(e) Research methods and statistics; 20571

(f) Fundamentals of assessment and diagnosis, including 20572  
measurement and appraisal; 20573

(g) Psychopathology; 20574

(h) Human development;	20575
(i) Cultural competence in counseling;	20576
(j) Ethics.	20577
(11) For the purpose of division (A)(3) of section 4758.39,	20578
division (A)(3) of section 4758.40, division (A)(3) of section	20579
4758.41, and division (A)(3) of section 4758.42 of the Revised	20580
Code, training requirements for chemical dependency that shall, at	20581
a minimum, include qualifications for the individuals who provide	20582
the training and instruction in all of the following courses:	20583
(a) Theories of addiction;	20584
(b) Counseling procedures and strategies with addicted	20585
populations;	20586
(c) Group process and techniques working with addicted	20587
populations;	20588
(d) Assessment and diagnosis of addiction;	20589
(e) Relationship counseling with addicted populations;	20590
(f) Pharmacology;	20591
(g) Prevention strategies;	20592
(h) Treatment planning;	20593
(i) Legal and ethical issues.	20594
(12) For the purpose of division (B)(2)(b) of section 4758.40	20595
and division (B)(2) of section 4758.41 of the Revised Code,	20596
requirements for the forty clock hours of training on the version	20597
of the diagnostic and statistical manual of mental disorders that	20598
is current at the time of the training, including the number of	20599
the clock hours that must be on substance-related disorders, the	20600
number of the clock hours that must be on chemical dependency	20601
conditions, and the number of the clock hours that must be on	20602
awareness of other mental and emotional disorders;	20603



(13) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;

(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;

(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;

(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;

(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;

(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;

(19) Standards for the one hundred hours of compensated work or supervised internship in gambling disorder direct clinical experience required by division (B)(2) of section 4758.48 of the Revised Code;

(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;

~~(20)~~(21) For the purpose of section 4758.51 of the Revised Code, the number of hours of continuing education that an individual must complete to have an expired license ~~or~~ certificate, or endorsement restored under section 4758.26 of the Revised Code;

~~(21)~~(22) For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for chemical dependency counseling;

~~(22)~~(23) The duties, which may differ, of all of the following:

(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code;

(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;

(c) A prevention specialist II or prevention specialist I certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.

~~(23)~~(24) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.

(25) Anything else necessary to administer this chapter.

(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 gambling disorder 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;	20695
<del>(4)</del> (5) <u>Renewing a gambling disorder endorsement;</u>	20696
<u>(6)</u> Approving continuing education courses under section 4758.28 of the Revised Code;	20697 20698
<del>(5)</del> (7) Doing anything else the board determines necessary to administer this chapter.	20699 20700
(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.	20701 20702 20703 20704 20705 20706 20707 20708 20709 20710 20711 20712 20713
(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.	20714 20715 20716
<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:	20717 20718 20719 20720
(1) Individuals who hold a valid independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license,	20721 20722 20723 20724

or chemical dependency counselor assistant certificate issued 20725  
under this chapter; 20726

(2) Individuals who hold a valid prevention specialist II 20727  
certificate, prevention specialist I certificate, prevention 20728  
specialist assistant certificate, or registered applicant 20729  
certificate issued under this chapter; 20730

(3) Individuals who hold a valid gambling disorder 20731  
endorsement. 20732

(B) The codes for individuals identified under division 20733  
(A)(1) of this section shall define unprofessional conduct, which 20734  
shall include engaging in a dual relationship with a client, 20735  
former client, consumer, or former consumer; committing an act of 20736  
sexual abuse, misconduct, or exploitation of a client, former 20737  
client, consumer, or former consumer; and, except as permitted by 20738  
law, violating client or consumer confidentiality. 20739

(C) The codes for individuals identified under division 20740  
(A)(1) of this section may be based on any codes of ethical 20741  
practice and professional conduct developed by national 20742  
associations or other organizations representing the interests of 20743  
those involved in chemical dependency counseling. The codes for 20744  
individuals identified under division (A)(2) of this section may 20745  
be based on any codes of ethical practice and professional conduct 20746  
developed by national associations or other organizations 20747  
representing the interests of those involved in alcohol and other 20748  
drug prevention services. The board may establish standards in the 20749  
codes that are more stringent than those established by the 20750  
national associations or other organizations. 20751

**Sec. 4758.24.** (A) The chemical dependency professionals board 20752  
shall issue a license ~~or~~, certificate, or endorsement under this 20753  
chapter to an individual who meets all of the following 20754  
requirements: 20755

(1) Is of good moral character as determined in accordance with rules adopted under section 4758.20 of the Revised Code;	20756 20757
(2) Except as provided in section 4758.241 of the Revised Code, submits a properly completed application and all other documentation specified in rules adopted under section 4758.20 of the Revised Code;	20758 20759 20760 20761
(3) Except as provided in section 4758.241 of the Revised Code, pays the fee established under section 4758.21 of the Revised Code for the license <del>or</del> , <u>certificate, or endorsement</u> that the individual seeks;	20762 20763 20764 20765
(4) Meets the requirements to obtain the license <del>or</del> , <u>certificate, or endorsement</u> that the individual seeks as specified in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, <del>or</del> 4758.47, <u>or 4758.48</u> of the Revised Code;	20766 20767 20768 20769
(5) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license <del>or</del> , <u>certificate, or endorsement</u> that the individual seeks.	20770 20771 20772
(B) The board shall not do either of the following:	20773
(1) Issue a certificate to practice as a chemical dependency counselor I;	20774 20775
(2) Issue a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than the period of time specified in rules adopted under section 4758.20 of the Revised Code.	20776 20777 20778 20779
<b>Sec. 4758.26.</b> (A) Subject to section 4758.30 of the Revised Code, a license <del>or</del> , <u>certificate, or endorsement</u> issued under this chapter expires the following period of time after it is issued:	20780 20781 20782
(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months;	20783 20784

(2) In the case of any other license ~~or~~, certificate, or  
endorsement, two years. 20785  
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(B) Subject to section 4758.30 of the Revised Code and except 20787  
as provided in section 4758.27 of the Revised Code, the chemical 20788  
dependency professionals board shall renew a license ~~or~~, 20789  
certificate, or endorsement issued under this chapter in 20790  
accordance with the standard renewal procedure established under 20791  
Chapter 4745. of the Revised Code if the individual seeking the 20792  
renewal pays the renewal fee established under section 4758.21 of 20793  
the Revised Code and does the following: 20794

(1) In the case of an individual seeking renewal of an 20795  
initial chemical dependency counselor assistant certificate, 20796  
satisfies the additional training requirement established under 20797  
section 4758.52 of the Revised Code; 20798

(2) In the case of any other individual, satisfies the 20799  
continuing education requirements established under section 20800  
4758.51 of the Revised Code. 20801

(C) Subject to section 4758.30 of the Revised Code and except 20802  
as provided in section 4758.27 of the Revised Code, a license ~~or~~, 20803  
certificate, or endorsement issued under this chapter that has 20804  
expired may be restored if the individual seeking the restoration, 20805  
not later than two years after the license ~~or~~, certificate, or  
endorsement expires, applies for restoration of the license ~~or~~, 20806  
certificate, or endorsement. The board shall issue a restored 20807  
license ~~or~~, certificate, or endorsement to the individual if the 20808  
individual pays the renewal fee established under section 4758.21 20809  
of the Revised Code and does the following: 20810  
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(1) In the case of an individual whose initial chemical 20812  
dependency counselor assistant certificate expired, satisfies the 20813  
additional training requirement established under section 4758.52 20814  
of the Revised Code; 20815

(2) In the case of any other individual, satisfies the 20816  
continuing education requirements established under section 20817  
4758.51 of the Revised Code for restoring the license ~~or~~, 20818  
certificate, or endorsement. 20819

The board shall not require an individual to take an 20820  
examination as a condition of having an expired license ~~or~~, 20821  
certificate, or endorsement restored under this section. 20822

**Sec. 4758.28.** The chemical dependency professionals board 20823  
shall approve, in accordance with rules adopted under section 20824  
4758.20 of the Revised Code and subject to payment of the fee 20825  
established under section 4758.21 of the Revised Code, continuing 20826  
education courses of study for individuals who hold a license ~~or~~, 20827  
certificate, or endorsement issued under this chapter. 20828

**Sec. 4758.29.** On receipt of a notice pursuant to section 20829  
3123.43 of the Revised Code, the chemical dependency professionals 20830  
board shall comply with sections 3123.41 to 3123.50 of the Revised 20831  
Code and any applicable rules adopted under section 3123.63 of the 20832  
Revised Code with respect to a license ~~or~~, certificate, or 20833  
endorsement issued pursuant to this chapter. 20834

**Sec. 4758.30.** (A) The chemical dependency professionals 20835  
board, in accordance with Chapter 119. of the Revised Code, may 20836  
refuse to issue a license ~~or~~, certificate, or endorsement applied 20837  
for under this chapter; refuse to renew or restore a license ~~or~~, 20838  
certificate, or endorsement issued under this chapter; suspend, 20839  
revoke, or otherwise restrict a license ~~or~~, certificate, or 20840  
endorsement issued under this chapter; or reprimand an individual 20841  
holding a license ~~or~~, certificate, or endorsement issued under 20842  
this chapter. These actions may be taken by the board regarding 20843  
the applicant for a license ~~or~~, certificate, or endorsement or the 20844  
individual holding a license ~~or~~, certificate, or endorsement for 20845



one or more of the following reasons:	20846
(1) Violation of any provision of this chapter or rules adopted under it;	20847 20848
(2) Knowingly making a false statement on an application for a license <del>or</del> , <u>certificate, or endorsement</u> or for renewal, restoration, or reinstatement of a license <del>or</del> , <u>certificate, or endorsement</u> ;	20849 20850 20851 20852
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, <u>gambling disorder counseling</u> , or fields related to chemical dependency counseling, <u>gambling disorder counseling</u> , or alcohol and other drug prevention services;	20853 20854 20855 20856 20857 20858 20859 20860
(4) Conviction in this or any other state of any crime that is a felony in this state;	20861 20862
(5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, prevention specialist II, <u>gambling disorder endorsee</u> , prevention specialist I, prevention specialist assistant, or registered applicant;	20863 20864 20865 20866 20867 20868 20869 20870
(6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, <u>gambling disorder endorsee</u> , prevention specialist II, prevention specialist I, prevention specialist assistant, or registered	20871 20872 20873 20874 20875 20876

applicant due to abuse of or dependency on alcohol or other drugs 20877  
or other physical or mental condition; 20878

(7) Practicing outside the individual's scope of practice; 20879

(8) Practicing without complying with the supervision 20880  
requirements specified under section 4758.56, 4758.59, ~~or 4758.61~~, 20881  
or 4758.62 of the Revised Code; 20882

(9) Violation of the code of ethical practice and 20883  
professional conduct for chemical dependency counseling ~~or~~, 20884  
alcohol and other drug prevention, or gambling disorder counseling 20885  
services adopted by the board pursuant to section 4758.23 of the 20886  
Revised Code; 20887

(10) Revocation of a license ~~or~~, certificate, or endorsement 20888  
or voluntary surrender of a license ~~or~~, certificate, or 20889  
endorsement in another state or jurisdiction for an offense that 20890  
would be a violation of this chapter. 20891

(B) An individual whose license ~~or~~, certificate, or 20892  
endorsement has been suspended or revoked under this section may 20893  
apply to the board for reinstatement after an amount of time the 20894  
board shall determine in accordance with rules adopted under 20895  
section 4758.20 of the Revised Code. The board may accept or 20896  
refuse an application for reinstatement. The board may require an 20897  
examination for reinstatement of a license ~~or~~, certificate, or 20898  
endorsement that has been suspended or revoked. 20899

**Sec. 4758.31.** The chemical dependency professionals board 20900  
shall investigate alleged violations of this chapter or the rules 20901  
adopted under it and alleged irregularities in the delivery of 20902  
chemical dependency counseling services, gambling disorder 20903  
counseling services, or alcohol and other drug prevention services 20904  
by individuals who hold a license ~~or~~, certificate, or endorsement 20905  
issued under this chapter. As part of an investigation, the board 20906

may issue subpoenas, examine witnesses, and administer oaths. 20907

The board may receive any information necessary to conduct an 20908  
investigation under this section that has been obtained in 20909  
accordance with federal laws and regulations. If the board is 20910  
investigating the provision of chemical dependency counseling 20911  
services or gambling disorder counseling services to a couple or 20912  
group, it is not necessary for both members of the couple or all 20913  
members of the group to consent to the release of information 20914  
relevant to the investigation. 20915

The board shall ensure, in accordance with rules adopted 20916  
under section 4758.20 of the Revised Code, that all records it 20917  
holds pertaining to an investigation remain confidential during 20918  
the investigation. After the investigation, the records are public 20919  
records except as otherwise provided by federal or state law. 20920

**Sec. 4758.35.** (A) An individual seeking a license ~~or~~, 20921  
certificate, or endorsement issued under this chapter shall file 20922  
with the chemical dependency professionals board a written 20923  
application on a form prescribed by the board. Each form shall 20924  
state that a false statement made on the form is the crime of 20925  
falsification under section 2921.13 of the Revised Code. 20926

(B) The board shall require an individual or individuals 20927  
employed by the board under section 4758.15 of the Revised Code to 20928  
do both of the following in accordance with criteria established 20929  
by rules adopted under section 4758.20 of the Revised Code: 20930

(1) Receive and review all applications submitted to the 20931  
board; 20932

(2) Submit to the board all applications the individual or 20933  
individuals recommend the board review based on the criteria 20934  
established in the rules. 20935

(C) The board shall review all applications submitted to the 20936

board pursuant to division (B)(2) of this section. 20937

**Sec. 4758.36.** As part of the review process under division 20938  
(C) of section 4758.35 of the Revised Code of an application 20939  
submitted by an applicant who has obtained the applicant's 20940  
education, experience in chemical dependency counseling, gambling 20941  
disorder, or alcohol and other drug prevention services, or 20942  
education and experience outside the United States, the chemical 20943  
dependency professionals board shall determine whether the 20944  
applicant's command of the English language and education or 20945  
experience meet the standards required by this chapter and rules 20946  
adopted under it. 20947

**Sec. 4758.48.** An individual is not eligible for a gambling 20948  
disorder endorsement unless the individual meets the requirements 20949  
of divisions (A) and (B) of this section. 20950

(A) The individual is an independent chemical dependency 20951  
counselor, chemical dependency counselor III, or chemical 20952  
dependency counselor II licensed under this chapter. 20953

(B) Except as otherwise provided in this division, the 20954  
individual has completed both of the following: 20955

(1) A minimum of thirty hours of gambling disorder training 20956  
that meets the requirements prescribed in rules adopted under 20957  
section 4758.20 of the Revised Code; and 20958

(2) A minimum of one hundred hours of compensated work or 20959  
supervised internship in gambling disorder direct clinical 20960  
experience. 20961

An individual may be issued an initial gambling disorder 20962  
endorsement without having complied with division (B)(2) of this 20963  
section, but the individual shall comply with division (B)(2) of 20964  
this section before expiration of the initial endorsement. An 20965  
individual who fails to comply with this paragraph is not entitled 20966

to renewal of the initial endorsement. 20967

**Sec. 4758.50.** An individual who holds a license ~~or~~, 20968  
certificate, or endorsement issued under this chapter shall post 20969  
the license ~~or~~, certificate, or endorsement in a prominent place 20970  
at the individual's place of employment. 20971

**Sec. 4758.51.** (A) Except as provided in division (C) of this 20972  
section and in accordance with rules adopted under section 4758.20 20973  
of the Revised Code, each individual who holds a license ~~or~~, 20974  
certificate, or endorsement issued under this chapter, other than 20975  
an initial chemical dependency counselor assistant certificate, 20976  
shall complete during the period that the license ~~or~~, certificate, 20977  
or endorsement is in effect not less than the following number of 20978  
clock hours of continuing education as a condition of receiving a 20979  
renewed license ~~or~~, certificate, or endorsement: 20980

(1) In the case of an individual holding a prevention 20981  
specialist assistant certificate, twenty; 20982

(2) In the case of an individual holding a gambling disorder 20983  
endorsement, six; 20984

(3) In the case of any other individual, forty. 20985

(B) Except as provided in division (C) of this section, an 20986  
individual whose license ~~or~~, certificate, or endorsement issued 20987  
under this chapter, other than an initial chemical dependency 20988  
counselor assistant certificate, has expired shall complete the 20989  
number of hours of continuing education specified in rules adopted 20990  
under section 4758.20 of the Revised Code as a condition of 20991  
receiving a restored license ~~or~~, certificate, or endorsement. 20992

(C) The chemical dependency professionals board may waive the 20993  
continuing education requirements established under this section 20994  
for individuals who are unable to fulfill them because of military 20995  
service, illness, residence outside the United States, or any 20996

other reason the board considers acceptable.	20997
<b>Sec. 4758.55.</b> In addition to practicing chemical dependency	20998
counseling, an individual holding a valid independent chemical	20999
dependency counselor license may do all of the following:	21000
(A) Diagnose and treat chemical dependency conditions;	21001
(B) Perform treatment planning, assessment, crisis	21002
intervention, individual and group counseling, case management,	21003
and education services as they relate to abuse of and dependency	21004
on alcohol and other drugs;	21005
(C) Provide clinical supervision of chemical dependency	21006
counseling under the supervision of any of the following:	21007
(1) An independent chemical dependency counselor-clinical	21008
supervisor licensed under this chapter;	21009
(2) An individual authorized under Chapter 4731. of the	21010
Revised Code to practice medicine and surgery or osteopathic	21011
medicine and surgery;	21012
(3) A psychologist licensed under Chapter 4732. of the	21013
Revised Code;	21014
(4) A registered nurse licensed under Chapter 4723. of the	21015
Revised Code or licensed professional clinical counselor,	21016
independent social worker, or independent marriage and family	21017
therapist licensed under Chapter 4757. of the Revised Code if such	21018
supervision is consistent with the scope of practice of the	21019
registered nurse, licensed professional clinical counselor,	21020
independent social worker, or independent marriage and family	21021
therapist;	21022
(5) <u>An individual authorized to practice as a certified nurse</u>	21023
<u>practitioner or clinical nurse specialist under Chapter 4723. of</u>	21024
<u>the Revised Code.</u>	21025

(D) Refer individuals with nonchemical dependency conditions 21026  
to appropriate sources of help. 21027

**Sec. 4758.561.** Any of the following professionals may 21028  
supervise a chemical dependency counselor III for purposes of 21029  
divisions (A)(1) and (4) of section 4758.56 of the Revised Code: 21030

(A) An independent chemical dependency counselor-clinical 21031  
supervisor licensed under this chapter; 21032

(B) An individual authorized under Chapter 4731. of the 21033  
Revised Code to practice medicine and surgery or osteopathic 21034  
medicine and surgery; 21035

(C) A psychologist licensed under Chapter 4732. of the 21036  
Revised Code; 21037

(D) A registered nurse licensed under Chapter 4723. of the 21038  
Revised Code or licensed professional clinical counselor, 21039  
independent social worker, or independent marriage and family 21040  
therapist licensed under Chapter 4757. of the Revised Code if such 21041  
supervision is consistent with the scope of practice of the 21042  
registered nurse, licensed professional clinical counselor, 21043  
independent social worker, or independent marriage and family 21044  
therapist; 21045

(E) An individual authorized to practice as a certified nurse 21046  
practitioner or clinical nurse specialist under Chapter 4723. of 21047  
the Revised Code. 21048

**Sec. 4758.59.** (A) Subject to division (B) of this section, an 21049  
individual holding a valid chemical dependency counselor assistant 21050  
certificate may do both of the following in addition to practicing 21051  
chemical dependency counseling: 21052

(1) Perform treatment planning, assessment, crisis 21053  
intervention, individual and group counseling, case management, 21054

and education services as they relate to abuse of or dependency on alcohol and other drugs;	21055 21056
(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.	21057 21058
(B) An individual holding a valid chemical dependency counselor assistant certificate may practice chemical dependency counseling and perform the tasks specified in division (A) of this section only while under the supervision of any of the following:	21059 21060 21061 21062
(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter;	21063 21064 21065
(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	21066 21067 21068
(3) A psychologist licensed under Chapter 4732. of the Revised Code;	21069 21070
(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist;	21071 21072 21073 21074 21075 21076 21077 21078
<u>(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.</u>	21079 21080 21081
(C) A chemical dependency counselor assistant may not practice as an individual practitioner.	21082 21083
<b>Sec. 4758.60.</b> An individual who holds a valid prevention	21084



specialist II certificate or prevention specialist I certificate 21085  
issued under this chapter may engage in the practice of ~~alcohol~~ 21086  
~~and other drug~~ prevention services as specified in rules adopted 21087  
under section 4758.20 of the Revised Code. 21088

**Sec. 4758.61.** An individual who holds a valid prevention 21089  
specialist assistant certificate or registered applicant 21090  
certificate issued under this chapter may engage in the practice 21091  
of alcohol and other drug prevention services under the 21092  
supervision of any of the following: 21093

(A) A prevention specialist II or prevention specialist I 21094  
certified under this chapter; 21095

(B) An independent chemical dependency counselor-clinical 21096  
supervisor, an independent chemical dependency counselor, or a 21097  
chemical dependency counselor III licensed under this chapter; 21098

(C) An individual authorized under Chapter 4731. of the 21099  
Revised Code to practice medicine and surgery or osteopathic 21100  
medicine and surgery; 21101

(D) A psychologist licensed under Chapter 4732. of the 21102  
Revised Code; 21103

(E) A registered nurse licensed under Chapter 4723. of the 21104  
Revised Code; 21105

(F) A licensed professional clinical counselor, a licensed 21106  
professional counselor, an independent social worker, a social 21107  
worker, an independent marriage and family therapist, or a 21108  
marriage and family therapist licensed under Chapter 4757. of the 21109  
Revised Code; 21110

(G) A school counselor licensed by the department of 21111  
education pursuant to section 3319.22 of the Revised Code; 21112

(H) A health education specialist certified by the national 21113  
commission for health education credentialing; 21114

(I) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code. 21115  
21116  
21117

Sec. 4758.62. An individual who holds an independent chemical dependency counselor license and a gambling disorder endorsement may do all of the following: 21118  
21119  
21120

(A) Diagnose and treat gambling disorder conditions; 21121

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders; 21122  
21123  
21124  
21125

(C) Supervise gambling disorder counseling; and 21126

(D) Refer individuals with other gambling conditions to appropriate sources of help. 21127  
21128

Sec. 4758.63. An individual who holds a chemical dependency counselor III license and a gambling disorder endorsement may do all of the following: 21129  
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21131

(A) Treat gambling disorder conditions; 21132

(B) Diagnose gambling disorder conditions under supervision; 21133

(C) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders; 21134  
21135  
21136  
21137

(D) Supervise gambling disorder counseling under supervision; 21138  
and 21139

(E) Refer individuals with other gambling conditions to appropriate sources of help. 21140  
21141

The supervision required by divisions (B) and (D) of this 21142

section shall be provided by an independent chemical dependency counselor licensed under this chapter; an individual authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code; a psychologist licensed under Chapter 4732. of the Revised Code; an individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code; a registered nurse licensed under Chapter 4723. of the Revised Code; or a professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.

An individual holding a chemical dependency counselor III license shall not practice as an individual practitioner.

**Sec. 4758.64.** An individual who holds a chemical dependency counselor II license and a gambling disorder endorsement may do all of the following:

(A) Treat gambling disorder conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders; and

(C) Refer individuals with other gambling conditions to appropriate sources of help.

An individual holding a chemical dependency II license shall not practice as an individual practitioner.

**Sec. 4758.71.** Nothing in this chapter or the rules adopted under it authorizes an individual who holds a license ~~or~~ certificate, or endorsement issued under this chapter to admit a patient to a hospital or requires a hospital to allow any such individual to admit a patient.

Sec. 4781.04. (A) The manufactured homes commission shall 21173  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 21174  
of the following: 21175

(1) Establish uniform standards that govern the installation 21176  
of manufactured housing. Not later than one hundred eighty days 21177  
after the secretary of the United States department of housing and 21178  
urban development adopts model standards for the installation of 21179  
manufactured housing or amends those standards, the commission 21180  
shall amend its standards as necessary to be consistent with, and 21181  
not less stringent than, the model standards for the design and 21182  
installation of manufactured housing the secretary adopts or any 21183  
manufacturers' standards that the secretary determines are equal 21184  
to or not less stringent than the model standards. 21185

(2) Govern the inspection of the installation of manufactured 21186  
housing. The rules shall specify that the commission, any building 21187  
department or personnel of any department, or any private third 21188  
party, certified pursuant to section 4781.07 of the Revised Code 21189  
shall conduct all inspections of the installation of manufactured 21190  
housing located in manufactured home parks to determine compliance 21191  
with the uniform installation standards the commission establishes 21192  
pursuant to this section. 21193

(3) Govern the design, construction, installation, approval, 21194  
and inspection of foundations and the base support systems for 21195  
manufactured housing. The rules shall specify that the commission, 21196  
any building department or personnel of any department, or any 21197  
private third party, certified pursuant to section 4781.07 of the 21198  
Revised Code shall conduct all inspections of the installation, 21199  
foundations, and base support systems of manufactured housing 21200  
located in manufactured home parks to determine compliance with 21201  
the uniform installation standards and foundation and base support 21202  
system design the commission establishes pursuant to this section. 21203

(4) Govern the training, experience, and education requirements for manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons;	21204 21205 21206 21207
(5) Establish a code of ethics for manufactured housing installers;	21208 21209
(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;	21210 21211
(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter;	21212 21213 21214 21215
(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;	21216 21217
(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson;	21218 21219 21220 21221 21222 21223
(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not	21224 21225 21226 21227 21228 21229 21230 21231 21232 21233 21234

binding upon the purchaser of the home or the other parties	21235
involved in the dispute unless the purchaser so agrees in a	21236
written acknowledgement that the purchaser signs and delivers to	21237
the program within ten business days after the decision is issued.	21238
(11) Establish the requirements and procedures for the	21239
certification of building departments and building department	21240
personnel pursuant to section 4781.07 of the Revised Code;	21241
(12) Establish fees to be charged to building departments and	21242
building department personnel applying for certification and	21243
renewal of certification pursuant to section 4781.07 of the	21244
Revised Code;	21245
(13) Develop a policy regarding the maintenance of records	21246
for any inspection authorized or conducted pursuant to this	21247
chapter. Any record maintained under division (A)(13) of this	21248
section shall be a public record under section 149.43 of the	21249
Revised Code.	21250
(14) Carry out any other provision of this chapter.	21251
(B) The manufactured homes commission shall do all of the	21252
following:	21253
(1) Prepare and administer a licensure examination to	21254
determine an applicant's knowledge of manufactured housing	21255
installation and other aspects of installation the commission	21256
determines appropriate;	21257
(2) Select, provide, or procure appropriate examination	21258
questions and answers for the licensure examination and establish	21259
the criteria for successful completion of the examination;	21260
(3) Prepare and distribute any application form this chapter	21261
requires;	21262
(4) Receive applications for licenses and renewal of licenses	21263
and issue licenses to qualified applicants;	21264

(5) Establish procedures for processing, approving, and disapproving applications for licensure;	21265 21266
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	21267 21268 21269
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	21270 21271
(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;	21272 21273 21274 21275 21276
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson;	21277 21278 21279 21280
(10) Determine appropriate disciplinary actions for violations of this chapter;	21281 21282
(11) Conduct audits and inquiries of manufactured housing installers, manufactured housing dealers, and manufactured housing brokers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, dealer, or broker during normal business hours.	21283 21284 21285 21286 21287 21288
(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;	21289 21290 21291
(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.	21292 21293
(C) <u>Nothing in this section, or in any rule adopted by the</u>	21294

manufactured homes commission, shall be construed to limit the 21295  
authority of a board of health to enforce section 3701.344 or 21296  
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 21297  
authority of the department of administrative services to lease 21298  
space for the use of a state agency and to group together state 21299  
offices in any city in the state as provided in section 123.01 of 21300  
the Revised Code. 21301

**Sec. 4905.911.** (A)(1) Except as provided in division (A)(2) 21302  
of this section: 21303

(a) The public utilities commission shall require an operator 21304  
of either of the following types of pipelines that was completely 21305  
constructed on or after ~~the effective date of this section~~ 21306  
September 10, 2012, and that transports gas produced by a 21307  
horizontal well to comply with the applicable pipe design 21308  
requirements of 49 C.F.R. 192 subpart C: 21309

~~(a)~~(i) A gas gathering pipeline; 21310

~~(b)~~(ii) A processing plant gas stub pipeline. 21311

~~(2)~~(b) The commission shall also require the operator to do 21312  
all of the following regarding that pipeline: 21313

~~(a)~~(i) Design, install, construct, initially inspect, and 21314  
initially test the pipeline in accordance with the requirements of 21315  
49 C.F.R. 192 if the pipeline is new, replaced, relocated, or 21316  
otherwise changed; 21317

~~(b)~~(ii) Control corrosion according to requirements of 49 21318  
C.F.R. 192 subpart I if the pipeline is metallic; 21319

~~(c)~~(iii) Establish and carry out a damage prevention program 21320  
under 49 C.F.R. 192.614; 21321

~~(d)~~(iv) Establish and carry out a public education program 21322  
under 49 C.F.R. 192.616; 21323



<del>(e)</del> (v) Establish the MAOP of the pipeline under 49 C.F.R. 192.619;	21324 21325
<del>(f)</del> (vi) Install and maintain pipeline markers according to the requirements for transmission lines under 49 C.F.R. 192.707;	21326 21327
<del>(g)</del> (vii) Perform leakage surveys according to requirements in 49 C.F.R. 192.706;	21328 21329
<del>(h)</del> (viii) Retain a record of each required leakage survey conducted under division (A) <del>(2)</del> <del>(g)</del> (1)(b)(vii) of this section and 49 C.F.R. 192.706 for five years or until the next leakage survey is completed, whichever time period is longer.	21330 21331 21332 21333
<u>(2) The commission may, at its discretion and in accordance with subsection (d) of 49 U.S.C. 60118, waive compliance with a pipe design requirement of 49 C.F.R. 192 subpart C.</u>	21334 21335 21336
(B)(1) Any person who plans to construct a pipeline subject to division (A) of this section after <del>the effective date of this section</del> <u>September 10, 2012</u> , shall file with the public utilities commission division of pipeline safety a form approved by the division that includes all of the following information:	21337 21338 21339 21340 21341
(a) The route of the proposed pipeline;	21342
(b) The MAOP of the pipeline;	21343
(c) The outside diameter of the pipeline;	21344
(d) The wall thickness of the pipeline;	21345
(e) The material that the pipeline will be made of;	21346
(f) The yield strength of the pipeline.	21347
The form shall be filed with the division not later than twenty-one days prior to the commencement of construction of the pipeline.	21348 21349 21350
(2) Not later than sixty days after the completion of construction of a pipeline subject to division (B)(1) of this	21351 21352

section, the operator of the pipeline shall file with the public 21353  
utilities commission division of pipeline safety an explanation of 21354  
the constructed pipeline's route and operating information. 21355

(C) For purposes of this section: 21356

(1) "Horizontal well" has the same meaning as in section 21357  
1509.01 of the Revised Code. 21358

(2) "Operator" means any person that owns, operates, manages, 21359  
controls, or leases a gas gathering pipeline or a processing plant 21360  
gas stub pipeline. 21361

**Sec. 4906.20.** (A) No person shall commence to construct an 21362  
economically significant wind farm in this state without first 21363  
having obtained a certificate from the power siting board. An 21364  
economically significant wind farm with respect to which such a 21365  
certificate is required shall be constructed, operated, and 21366  
maintained in conformity with that certificate and any terms, 21367  
conditions, and modifications it contains. A certificate shall be 21368  
issued only pursuant to this section. The certificate may be 21369  
transferred, subject to the approval of the board, to a person 21370  
that agrees to comply with those terms, conditions, and 21371  
modifications. 21372

(B) The board shall adopt rules governing the certificating 21373  
of economically significant wind farms under this section. Initial 21374  
rules shall be adopted within one hundred twenty days after June 21375  
24, 2008. 21376

(1) The rules shall provide for an application process for 21377  
certificating economically significant wind farms that is 21378  
identical to the extent practicable to the process applicable to 21379  
certificating major utility facilities under sections 4906.06, 21380  
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 21381  
Revised Code and shall prescribe a reasonable schedule of 21382

application filing fees structured in the manner of the schedule 21383  
of filing fees required for major utility facilities. 21384

(2) Additionally, the rules shall prescribe reasonable 21385  
regulations regarding any wind turbines and associated facilities 21386  
of an economically significant wind farm, including, but not 21387  
limited to, their location, erection, construction, 21388  
reconstruction, change, alteration, maintenance, removal, use, or 21389  
enlargement and including erosion control, aesthetics, 21390  
recreational land use, wildlife protection, interconnection with 21391  
power lines and with regional transmission organizations, 21392  
independent transmission system operators, or similar 21393  
organizations, ice throw, sound and noise levels, blade shear, 21394  
shadow flicker, decommissioning, and necessary cooperation for 21395  
site visits and enforcement investigations. ~~The~~ 21396

(a) The rules also shall prescribe a minimum setback for a 21397  
wind turbine of an economically significant wind farm. That 21398  
minimum shall be equal to a horizontal distance, from the 21399  
turbine's base to the property line of the wind farm property, 21400  
equal to one and one-tenth times the total height of the turbine 21401  
structure as measured from its base to the tip of its highest 21402  
blade and be at least one thousand one hundred twenty-five feet in 21403  
horizontal distance from the tip of the turbine's nearest blade at 21404  
ninety degrees to ~~the exterior of~~ property line of the nearest, 21405  
~~habitable, residential structure, if any, located on~~ adjacent 21406  
property at the time of the certification application. ~~For~~ 21407

(b)(i) For any existing certificates and amendments thereto, 21408  
and existing certification applications that have been found by 21409  
the chairperson to be in compliance with division (A) of section 21410  
4906.06 of the Revised Code before the effective date of the 21411  
amendment of this section by H.B. 59 of the 130th general 21412  
assembly, September 29, 2013, the distance shall be seven hundred 21413  
fifty feet instead of one thousand one hundred twenty-five feet. 21414

The 21415

(ii) For certification applications that have been found by the chairperson to be in compliance with division (A) of section 4906.06 of the Revised Code before the effective date of the amendment of this section by H.B. 483 of the 130th general assembly, the measurement shall be to the exterior of the nearest, habitable, residential structure, if any, located on adjacent property instead of to the property line of the nearest adjacent property. 21416  
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(c) The setback shall apply in all cases except those in which all owners of property adjacent to the wind farm property waive application of the setback to that property pursuant to a procedure the board shall establish by rule and except in which, in a particular case, the board determines that a setback greater than the minimum is necessary. 21424  
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**Sec. 4906.201.** (A) An electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is designed for, or capable of, operation at an aggregate capacity of fifty megawatts or more is subject to the minimum setback requirements established in rules adopted by the power siting board under division (B)(2) of section 4906.20 of the Revised Code. ~~For~~ 21430  
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(B)(1) For any existing certificates and amendments thereto, and existing certification applications that have been found by the chairperson to be in compliance with division (A) of section 4906.06 of the Revised Code before the effective date of the amendment of this section by H.B. 59 of the 130th general assembly, September 29, 2013, the distance shall be seven hundred fifty feet instead of one thousand one hundred twenty-five feet. 21437  
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(2) For certification applications that have been found by the chairperson to be in compliance with division (A) of section 21444  
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4906.06 of the Revised Code before the effective date of the 21446  
amendment of this section by H.B. 483 of the 130th general 21447  
assembly, the measurement shall be to the exterior of the nearest, 21448  
habitable, residential structure, if any, located on adjacent 21449  
property instead of to the property line of the nearest adjacent 21450  
property. 21451

**Sec. 4923.02.** (A) As used in this chapter, "private motor 21452  
carrier" does not include a person when engaged in any of the 21453  
following in intrastate commerce: 21454

(1) The transportation of persons in taxicabs in the usual 21455  
taxicab service; 21456

(2) The transportation of pupils in school busses operating 21457  
to or from school sessions or school events; 21458

(3) The transportation of farm supplies to the farm or farm 21459  
products from farm to market or to food fabricating plants; 21460

(4) The distribution of newspapers; 21461

(5) The transportation of crude petroleum incidental to 21462  
gathering from wells and delivery to destination by pipe line; 21463

(6) The transportation of injured, ill, or deceased persons 21464  
by hearse or ambulance; 21465

(7) The transportation of compost (a combination of manure 21466  
and sand or shredded bark mulch) or shredded bark mulch; 21467

(8) The transportation of persons in a ridesharing 21468  
arrangement when any fee charged each person so transported is in 21469  
such amount as to recover only the person's share of the costs of 21470  
operating the motor vehicle for such purpose; 21471

(9) The operation of motor vehicles for contractors on public 21472  
road work. 21473

(B) The public utilities commission may grant a motor carrier 21474

operating in intrastate commerce a temporary exemption from some	21475
or all of the provisions of this chapter and the rules adopted	21476
under it, when either of the following applies:	21477
(1) The governor of this state has declared an emergency.	21478
(2) The chairperson of the commission or the chairperson's	21479
designee has declared a transportation-specific emergency.	21480
(C) The commission may adopt rules not incompatible with the	21481
requirements of the United States department of transportation to	21482
provide exemptions to motor carriers operating in intrastate	21483
commerce not otherwise identified in divisions (A) and (B) of this	21484
section.	21485
(D) Divisions (A) to (C) of this section shall not be	21486
construed to relieve a person from compliance with <del>either of the</del>	21487
following:	21488
(1) Rules adopted under division (A)(2) of section 4923.04 of	21489
the Revised Code, division (E) of section 4923.06 of the Revised	21490
Code, division (B) of section 4923.07 of the Revised Code, and	21491
section 4923.11 of the Revised Code;	21492
(2) Rules regarding commercial driver's licenses adopted	21493
under division (A)(1) of section 4923.04 of the Revised Code;	21494
<u>(3) Rules adopted under section 4921.15 of the Revised Code</u>	21495
<u>regarding uniform registration and permitting of carriers of</u>	21496
<u>hazardous materials and other applicable provisions of that</u>	21497
<u>section and division (H) of section 4921.19 of the Revised Code.</u>	21498
<u>Sec. 5101.345. (A) There is hereby created in the department</u>	21499
<u>of job and family services the Ohio family stability commission.</u>	21500
<u>The commission shall consist of four members of the general</u>	21501
<u>assembly and twenty-one individuals who are government agency</u>	21502
<u>representatives, private citizens, or elected officials other than</u>	21503
<u>members of the general assembly.</u>	21504

Of the general assembly members, two shall be appointed by the president of the senate, each from a different political party, and two shall be appointed by the speaker of the house of representatives, each from a different political party.

The remaining members shall be appointed by the governor as follows:

(1) Two with expertise in out-of-wedlock births;

(2) Two with expertise in marital divorce;

(3) One with expertise in education;

(4) One with expertise in employment;

(5) One with expertise in child support;

(6) One with expertise in child custody;

(7) One with expertise in child abuse and neglect;

(8) One with expertise in domestic violence;

(9) Two with expertise in the judicial system;

(10) Two with expertise in criminal justice;

(11) Two with expertise in faith-based initiatives;

(12) Two with expertise in fatherhood programs;

(13) Two with expertise in philanthropic or nonprofit management;

(14) One with expertise in mass media or communications.

Commission members shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner provided for original appointments. Members shall serve without compensation, except to the extent that serving on the commission is considered part of their regular duties of employment.

(B) The commission shall be staffed by personnel of the department of job and family services. This division does not

require the department to employ personnel the department 21533  
otherwise would not have employed. 21534

(C)(1) During its first year of operation, the commission 21535  
shall conduct research and formulate recommendations for 21536  
consideration by the general assembly, appropriate state agencies, 21537  
and other appropriate entities concerning societal issues that 21538  
impact the stability of families in this state. The 21539  
recommendations shall provide the general assembly, appropriate 21540  
state agencies, and other appropriate entities with strategies, 21541  
both legal and otherwise, for addressing the issues. 21542

At a minimum, the commission's research and recommendations 21543  
shall address all of the following: 21544

(a) The divorce rate in this state and strategies for 21545  
reducing the divorce rate; 21546

(b) The birth rate among unmarried individuals in this state 21547  
and strategies for reducing the number of births occurring outside 21548  
of marriage; 21549

(c) The rate of domestic violence, including child abuse, in 21550  
this state and strategies for reducing that rate; 21551

(d) Issues concerning child custody and child support. 21552

(2) During its second year of operation, the commission shall 21553  
advise the general assembly, appropriate state agencies, and other 21554  
appropriate entities on ways to implement the recommendations 21555  
formulated under division (C)(1) of this section. 21556

(3) During its third year of operation, the commission shall 21557  
continue to provide advice regarding implementation of the 21558  
recommendations formulated under division (C)(1) of this section 21559  
and begin monitoring implementation. 21560

At the end of its third year of operation, the commission 21561  
shall issue a report to the general assembly regarding the status 21562



of the implementation of the recommendations. 21563

(4) During its fourth year of operation, the commission shall 21564  
conduct activities to ensure continued implementation of the 21565  
recommendations formulated under division (C)(1) of this section 21566  
and, if applicable, enforcement of the recommendations. 21567

At the end of its fourth year of operation, the commission 21568  
shall issue a report to the general assembly regarding the status 21569  
of the implementation of the recommendations. 21570

**Sec. 5101.90.** (A) As used in this section, "public 21571  
assistance" has the same meaning as in section 5101.26 of the 21572  
Revised Code. 21573

(B) The department of job and family services shall establish 21574  
an evaluation system that rates both of the following in terms of 21575  
their success with helping public assistance recipients obtain 21576  
employment that enables the recipients to cease relying on public 21577  
assistance: 21578

(1) Individual caseworkers employed by county departments of 21579  
job and family services; 21580

(2) Each county department of job and family services. 21581

(C) The department shall design the evaluation system 21582  
established under this section in a manner that encourages 21583  
caseworkers and county departments to increase their success with 21584  
helping public assistance recipients obtain employment that 21585  
enables the recipients to cease relying on public assistance. The 21586  
system shall provide for caseworkers' and county departments' 21587  
ratings under the system to be updated at least annually. 21588

**Sec. 5103.05.** (A) As used in this section and section 21589  
5103.051 of the Revised Code: 21590

(1) "Children's residential center" means a facility that is 21591

operated by a private child placing agency, private noncustodial 21592  
agency, or public children services agency, that has been 21593  
certified by the department of job and family services to operate 21594  
a children's residential center, and in which eleven or more 21595  
children, including the children of any staff residing at the 21596  
facility, are given nonsecure care and supervision twenty-four 21597  
hours a day. 21598

(2) "Children's crisis care facility" has the same meaning as 21599  
in section 5103.13 of the Revised Code. 21600

(3) "County children's home" means a facility established 21601  
under section 5153.21 of the Revised Code. 21602

(4) "District children's home" means a facility established 21603  
under section 5153.42 of the Revised Code. 21604

(5) "Group home for children" means any public or private 21605  
facility that is operated by a private child placing agency, 21606  
private noncustodial agency, or public children services agency, 21607  
that has been certified by the department to operate a group home 21608  
for children, and that meets all of the following criteria: 21609

(a) Gives, for compensation, a maximum of ten children, 21610  
including the children of the operator or any staff who reside in 21611  
the facility, nonsecure care and supervision twenty-four hours a 21612  
day by a person or persons who are unrelated to the children by 21613  
blood or marriage, or who is not the appointed guardian of any of 21614  
the children; 21615

(b) Is not certified as a foster home; 21616

(c) Receives or cares for children for two or more 21617  
consecutive weeks. 21618

"Group home for children" does not include any facility that 21619  
provides care for children from only a single-family group, placed 21620  
at the facility by the children's parents or other relative having 21621

custody. 21622

(6) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility. 21623  
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(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills. 21628  
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(8) "Nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility. 21637  
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(B) Within ten days after the commencement of operations at a residential facility, the facility shall provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility: 21641  
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(1) Written notice that the facility is located and will be operating in the agency's or department's jurisdiction. The written notice shall provide the address of the facility, identify the facility as a group home for children, children's crisis care facility, children's residential center, residential parenting facility, county children's home, or district children's home, and provide contact information for the facility. 21646  
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(2) A copy of the facility's procedures for emergencies and 21653  
disasters established pursuant to rules adopted under section 21654  
5103.03 of the Revised Code; 21655

(3) A copy of the facility's medical emergency plan 21656  
established pursuant to rules adopted under section 5103.03 of the 21657  
Revised Code; 21658

(4) A copy of the facility's community engagement plan 21659  
established pursuant to rules adopted under section 5103.051 of 21660  
the Revised Code. 21661

(C) Within ten days of a facility's recertification by the 21662  
department, the facility shall provide to all county, municipal, 21663  
or township law enforcement agencies, emergency management 21664  
agencies, and fire departments with jurisdiction over the facility 21665  
updated copies of the information required to be provided under 21666  
divisions (B)(2), (3), and (4) of this section. 21667

(D) The department may adopt rules in accordance with Chapter 21668  
119. of the Revised Code necessary to implement this section. 21669

**Sec. 5103.051.** (A) Each private child placing agency, private 21670  
noncustodial agency, public children services agency, or 21671  
superintendent of a county or district children's home shall 21672  
establish a community engagement plan in accordance with rules 21673  
adopted under division (B) of this section for each residential 21674  
facility the agency, entity, or superintendent operates. 21675

(B)(1) The department of job and family services shall adopt 21676  
rules in accordance with Chapter 119. of the Revised Code that 21677  
establish the following: 21678

(a) The contents of a community engagement plan to be 21679  
established under division (A) of this section that includes the 21680  
following: 21681

(i) Protocols for the community in which a residential 21682

facility is located to communicate concerns or other pertinent information directly to the agency or entity; 21683  
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(ii) Protocols for the agency or entity in responding to a communication made under division (B)(1)(a)(i) of this section. 21685  
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(b) Orientation procedures for training residential facility staff on the implementation of the community engagement plan established under division (A) of this section and procedures for responding to incidents involving a child at the facility and neighbors or the police. 21687  
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(2) The department shall file initial rules adopted under division (B)(1) of this section within ninety days after the effective date of this section. 21692  
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**Sec. 5104.03.** (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form. 21695  
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Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund. 21704  
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(B)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age 21710  
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category of children of the center, type A home, or type B home 21713  
and to determine whether the center, type A home, or type B home 21714  
complies with this chapter and rules adopted pursuant to this 21715  
chapter. When, after investigation and inspection, the director is 21716  
satisfied that this chapter and rules adopted pursuant to it are 21717  
complied with, subject to division (H) of this section, a license 21718  
shall be issued as soon as practicable in such form and manner as 21719  
prescribed by the director. The license shall be designated as 21720  
provisional and shall be valid for twelve months from the date of 21721  
issuance unless revoked. 21722

(2) The director may contract with a government entity or a 21723  
private nonprofit entity for the entity to inspect ~~and license~~ 21724  
type B family day-care homes pursuant to this section. If the 21725  
director contracts with a government entity or private nonprofit 21726  
entity for that purpose, the entity may contract with another 21727  
government entity or private nonprofit entity for the other entity 21728  
to inspect type B homes pursuant to this section. The ~~department~~ 21729  
director, government entity, or private nonprofit entity shall 21730  
conduct ~~the~~ an inspection prior to the issuance of a license for 21731  
~~the~~ a type B home and, as part of that inspection, ensure that the 21732  
type B home is safe and sanitary. 21733

(C)(1) On receipt of an application for licensure as a type B 21734  
family day-care home to provide publicly funded child care, the 21735  
~~department~~ director shall search the uniform statewide automated 21736  
child welfare information system for information concerning any 21737  
abuse or neglect report made pursuant to section 2151.421 of the 21738  
Revised Code of which the applicant, any other adult residing in 21739  
the applicant's home, or a person designated by the applicant to 21740  
be an emergency or substitute caregiver for the applicant is the 21741  
subject. 21742

(2) The ~~department~~ director shall consider any information ~~it~~ 21743  
~~discovers~~ discovered pursuant to division (C)(1) of this section 21744

or that is provided by a public children services agency pursuant 21745  
to section 5153.175 of the Revised Code. If the ~~department~~ 21746  
director determines that the information, when viewed within the 21747  
totality of the circumstances, reasonably leads to the conclusion 21748  
that the applicant may directly or indirectly endanger the health, 21749  
safety, or welfare of children, the ~~department~~ director shall deny 21750  
the application for licensure or revoke the license of a type B 21751  
family day-care home. 21752

(D) The director shall investigate and inspect the center, 21753  
type A home, or type B home at least once during operation under a 21754  
license designated as provisional. If after the investigation and 21755  
inspection the director determines that the requirements of this 21756  
chapter and rules adopted pursuant to this chapter are met, 21757  
subject to division (H) of this section, the director shall issue 21758  
a new license to the center or home. 21759

(E) Each license shall state the name of the licensee, the 21760  
name of the administrator, the address of the center, type A home, 21761  
or licensed type B home, and the license capacity for each age 21762  
category of children. The license shall include thereon, in 21763  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 21764  
Revised Code, the toll-free telephone number to be used by persons 21765  
suspecting that the center, type A home, or licensed type B home 21766  
has violated a provision of this chapter or rules adopted pursuant 21767  
to this chapter. A license is valid only for the licensee, 21768  
administrator, address, and license capacity for each age category 21769  
of children designated on the license. The license capacity 21770  
specified on the license is the maximum number of children in each 21771  
age category that may be cared for in the center, type A home, or 21772  
licensed type B home at one time. 21773

The center or type A home licensee shall notify the director 21774  
when the administrator of the center or home changes. The director 21775  
shall amend the current license to reflect a change in an 21776

administrator, if the administrator meets the requirements of this 21777  
chapter and rules adopted pursuant to this chapter, or a change in 21778  
license capacity for any age category of children as determined by 21779  
the director of job and family services. 21780

(F) If the director revokes the license of a center, a type A 21781  
home, or a type B home, the director shall not issue another 21782  
license to the owner of the center, type A home, or type B home 21783  
until five years have elapsed from the date the license is 21784  
revoked. 21785

If the director denies an application for a license, the 21786  
director shall not accept another application from the applicant 21787  
until five years have elapsed from the date the application is 21788  
denied. 21789

(G) If during the application for licensure process the 21790  
director determines that the license of the owner has been 21791  
revoked, the investigation of the center, type A home, or type B 21792  
home shall cease. This action does not constitute denial of the 21793  
application and may not be appealed under division (H) of this 21794  
section. 21795

(H) All actions of the director with respect to licensing 21796  
centers, type A homes, or type B homes, refusal to license, and 21797  
revocation of a license shall be in accordance with Chapter 119. 21798  
of the Revised Code. Any applicant who is denied a license or any 21799  
owner whose license is revoked may appeal in accordance with 21800  
section 119.12 of the Revised Code. 21801

(I) In no case shall the director issue a license under this 21802  
section for a center, type A home, or type B home if the director, 21803  
based on documentation provided by the appropriate county 21804  
department of job and family services, determines that the 21805  
applicant had been certified as a type B family day-care home when 21806  
such certifications were issued by county departments prior to 21807



January 1, 2014, that the county department revoked that 21808  
certification within the immediately preceding five years, that 21809  
the revocation was based on the applicant's refusal or inability 21810  
to comply with the criteria for certification, and that the 21811  
refusal or inability resulted in a risk to the health or safety of 21812  
children. 21813

(J)(1) Except as provided in division (J)(2) of this section, 21814  
an administrator of a type B family day-care home that receives a 21815  
license pursuant to this section to provide publicly funded child 21816  
care is an independent contractor and is not an employee of the 21817  
department of job and family services. 21818

(2) For purposes of Chapter 4141. of the Revised Code, 21819  
determinations concerning the employment of an administrator of a 21820  
type B family day-care home that receives a license pursuant to 21821  
this section shall be determined under Chapter 4141. of the 21822  
Revised Code. 21823

**Sec. 5104.34.** (A)(1) Each county department of job and family 21824  
services shall implement procedures for making determinations of 21825  
eligibility for publicly funded child care. Under those 21826  
procedures, the eligibility determination for each applicant shall 21827  
be made no later than thirty calendar days from the date the 21828  
county department receives a completed application for publicly 21829  
funded child care. Each applicant shall be notified promptly of 21830  
the results of the eligibility determination. An applicant 21831  
aggrieved by a decision or delay in making an eligibility 21832  
determination may appeal the decision or delay to the department 21833  
of job and family services in accordance with section 5101.35 of 21834  
the Revised Code. The due process rights of applicants shall be 21835  
protected. 21836

To the extent permitted by federal law, the county department 21837  
may make all determinations of eligibility for publicly funded 21838

child care, may contract with child care providers or child care 21839  
resource and referral service organizations for the providers or 21840  
resource and referral service organizations to make all or any 21841  
part of the determinations, and may contract with child care 21842  
providers or child care resource and referral service 21843  
organizations for the providers or resource and referral service 21844  
organizations to collect specified information for use by the 21845  
county department in making determinations. If a county department 21846  
contracts with a child care provider or a child care resource and 21847  
referral service organization for eligibility determinations or 21848  
for the collection of information, the contract shall require the 21849  
provider or resource and referral service organization to make 21850  
each eligibility determination no later than thirty calendar days 21851  
from the date the provider or resource and referral organization 21852  
receives a completed application that is the basis of the 21853  
determination and to collect and transmit all necessary 21854  
information to the county department within a period of time that 21855  
enables the county department to make each eligibility 21856  
determination no later than thirty days after the filing of the 21857  
application that is the basis of the determination. 21858

The county department may station employees of the department 21859  
in various locations throughout the county to collect information 21860  
relevant to applications for publicly funded child care and to 21861  
make eligibility determinations. The county department, child care 21862  
provider, and child care resource and referral service 21863  
organization shall make each determination of eligibility for 21864  
publicly funded child care no later than thirty days after the 21865  
filing of the application that is the basis of the determination, 21866  
shall make each determination in accordance with any relevant 21867  
rules adopted pursuant to section 5104.38 of the Revised Code, and 21868  
shall notify promptly each applicant for publicly funded child 21869  
care of the results of the determination of the applicant's 21870  
eligibility. 21871

The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code for monitoring the eligibility determination process. In accordance with those rules, the state department shall monitor eligibility determinations made by county departments of job and family services and shall direct any entity that is not in compliance with this division or any rule adopted under this division to implement corrective action specified by the department.

(2)(a) All eligibility determinations for publicly funded child care shall be made in accordance with rules adopted pursuant to division (A) of section 5104.38 of the Revised Code ~~and, if a county department of job and family services specifies, pursuant to rules adopted under division (B) of that section, a maximum amount of income a family may have to be eligible for publicly funded child care, the income maximum specified by the county department.~~ Publicly Except as otherwise provided in this section, both of the following apply:

(i) Publicly funded child care may be provided only to eligible infants, toddlers, preschool-age children, and school-age children under age thirteen. ~~For~~

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care.

(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during

a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the licensed child care program shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.

(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of up to thirteen weeks not to extend beyond the caretaker parent's twelve-month eligibility period. Such authorization may be given only once during a twelve-month period.

Subject to available funds, ~~a county~~ the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the ~~county~~ department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the twelve-month period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time

during the immediately following twelve-month period that both of 21936  
the following apply: 21937

(a) The assistance group requires child care due to 21938  
employment; 21939

(b) The assistance group's income is not more than one 21940  
hundred fifty per cent of the federal poverty line. 21941

An assistance group ineligible to participate in the Ohio 21942  
works first program pursuant to section 5101.83 or section 5107.16 21943  
of the Revised Code is not eligible for transitional child care. 21944

(B) To the extent permitted by federal law, ~~a county~~ the 21945  
department of job and family services may require a caretaker 21946  
parent determined to be eligible for publicly funded child care to 21947  
pay a fee according to the schedule of fees established in rules 21948  
adopted under section 5104.38 of the Revised Code. ~~Each county~~ The 21949  
department shall make protective child care services available to 21950  
children without regard to the income or assets of the caretaker 21951  
parent of the child. 21952

(C) A caretaker parent receiving publicly funded child care 21953  
shall report to the entity that determined eligibility any changes 21954  
in status with respect to employment or participation in a program 21955  
of education or training not later than ten calendar days after 21956  
the change occurs. 21957

(D) If ~~a county~~ the department of job and family services 21958  
determines that available resources are not sufficient to provide 21959  
publicly funded child care to all eligible families who request 21960  
it, the ~~county~~ department may establish a waiting list. ~~A county~~ 21961  
The department may establish separate waiting lists within the 21962  
waiting list based on income. ~~When resources become available to~~ 21963  
~~provide publicly funded child care to families on the waiting~~ 21964  
~~list, a county department that establishes a waiting list shall~~ 21965  
~~assess the needs of the next family scheduled to receive publicly~~ 21966

~~funded child care. If the assessment demonstrates that the family 21967  
continues to need and is eligible for publicly funded child care, 21968  
the county department shall offer it to the family. If the county 21969  
department determines that the family is no longer eligible or no 21970  
longer needs publicly funded child care, the county department 21971  
shall remove the family from the waiting list. 21972~~

(E) A caretaker parent shall not receive full-time publicly 21973  
funded child care from more than one child care provider per child 21974  
during any period. 21975

(F) As used in this section, "maximum income eligibility 21976  
limit" means the amount of income specified in rules adopted under 21977  
division (A) of section 5104.38 of the Revised Code ~~or, if a 21978  
county department of job and family services specifies a higher 21979  
amount pursuant to rules adopted under division (B) of that 21980  
section, the amount the county department specifies. 21981~~

**Sec. 5104.341.** ~~(A) Except as provided in division (B) of this 21982  
section, both of the following apply: 21983~~

~~(1) An eligibility determination made under section 5104.34 21984  
of the Revised Code for publicly funded child care is valid for 21985  
one year. 21986~~

~~(2). 21987~~

(B) The county department of job and family services shall 21988  
adjust the appropriate level of a fee charged under division (B) 21989  
of section 5104.34 of the Revised Code if a caretaker parent 21990  
reports changes in income, family size, or both. 21991

~~(B) Division (A) of this section does not apply if the 21992  
recipient of the publicly funded child care ceases to be eligible 21993  
for publicly funded child care. 21994~~

**Sec. 5104.38.** In addition to any other rules adopted under 21995

this chapter, the director of job and family services shall adopt 21996  
rules in accordance with Chapter 119. of the Revised Code 21997  
governing financial and administrative requirements for publicly 21998  
funded child care and establishing all of the following: 21999

(A) Procedures and criteria to be used in making 22000  
determinations of eligibility for publicly funded child care that 22001  
give priority to children of families with lower incomes and 22002  
procedures and criteria for eligibility for publicly funded 22003  
protective child care. The rules shall specify the maximum amount 22004  
of income a family may have for initial and continued eligibility. 22005  
The maximum amount shall not exceed two hundred per cent of the 22006  
federal poverty line. The rules may specify exceptions to the 22007  
eligibility requirements in the case of a family that previously 22008  
received publicly funded child care and is seeking to have the 22009  
child care reinstated after the family's eligibility was 22010  
terminated. 22011

(B) ~~Procedures under which a county department of job and 22012  
family services may, if the department, under division (A) of this 22013  
section, specifies a maximum amount of income a family may have 22014  
for eligibility for publicly funded child care that is less than 22015  
the maximum amount specified in that division, specify a maximum 22016  
amount of income a family residing in the county the county 22017  
department serves may have for initial and continued eligibility 22018  
for publicly funded child care that is higher than the amount 22019  
specified by the department but does not exceed the maximum amount 22020  
specified in division (A) of this section an applicant for 22021  
publicly funded child care may receive publicly funded child care 22022  
while the county department of job and family services determines 22023  
eligibility and under which a licensed child care program may 22024  
appeal a denial of payment under division (A)(2)(b) of section 22025  
5104.34 of the Revised Code; 22026~~

(C) A schedule of fees requiring all eligible caretaker 22027

parents to pay a fee for publicly funded child care according to 22028  
income and family size, which shall be uniform for all types of 22029  
publicly funded child care, except as authorized by rule, and, to 22030  
the extent permitted by federal law, shall permit the use of state 22031  
and federal funds to pay the customary deposits and other advance 22032  
payments that a provider charges all children who receive child 22033  
care from that provider. The schedule of fees may not provide for 22034  
a caretaker parent to pay a fee that exceeds ten per cent of the 22035  
parent's family income. 22036

(D) A formula for determining the amount of state and federal 22037  
funds appropriated for publicly funded child care that may be 22038  
allocated to a county department to use for administrative 22039  
purposes; 22040

(E) Procedures to be followed by the department and county 22041  
departments in recruiting individuals and groups to become 22042  
providers of child care; 22043

(F) Procedures to be followed in establishing state or local 22044  
programs designed to assist individuals who are eligible for 22045  
publicly funded child care in identifying the resources available 22046  
to them and to refer the individuals to appropriate sources to 22047  
obtain child care; 22048

(G) Procedures to deal with fraud and abuse committed by 22049  
either recipients or providers of publicly funded child care; 22050

(H) Procedures for establishing a child care grant or loan 22051  
program in accordance with the child care block grant act; 22052

(I) Standards and procedures for applicants to apply for 22053  
grants and loans, and for the department to make grants and loans; 22054

(J) A definition of "person who stands in loco parentis" for 22055  
the purposes of division (KK)(1) of section 5104.01 of the Revised 22056  
Code; 22057



(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;

(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

**Sec. 5119.21.** (A) The department of mental health and addiction services shall:

(1) To the extent the department has available resources and in consultation with boards of alcohol, drug addiction, and mental health services, support a full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction and a continuum of care for other services in accordance with Chapter 340. of the Revised Code on a district or multi-district basis. The department shall define the essential elements of a full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction and a continuum of care for other

services, shall assist in identifying resources, and may 22089  
prioritize support for one or more of the elements of the 22090  
continuum of care. The essential elements of a full spectrum of 22091  
care for all levels of treatment services for opioid and 22092  
co-occurring drug addiction shall include the services required by 22093  
division (B) of section 340.09 of the Revised Code. 22094

(2) Provide training, consultation, and technical assistance 22095  
regarding mental health and addiction services and appropriate 22096  
prevention, recovery, and mental health promotion activities, 22097  
including those that are culturally competent, to employees of the 22098  
department, community mental health and addiction services 22099  
providers, boards of alcohol, drug addiction, and mental health 22100  
services, and other agencies providing mental health and addiction 22101  
services; 22102

(3) To the extent the department has available resources, 22103  
promote and support a full range of mental health and addiction 22104  
services that are available and accessible to all residents of 22105  
this state, especially for severely mentally disabled children, 22106  
adolescents, adults, pregnant women, parents, guardians or 22107  
custodians of children at risk of abuse or neglect, and other 22108  
special target populations, including racial and ethnic 22109  
minorities, as determined by the department; 22110

(4) Develop standards and measures for evaluating the 22111  
effectiveness of mental health and addiction services, including 22112  
services that use methadone treatment, of gambling addiction 22113  
services, and for increasing the accountability of mental health 22114  
and alcohol and addiction services providers and of gambling 22115  
addiction services providers; 22116

(5) Design and set criteria for the determination of priority 22117  
populations; 22118

(6) Promote, direct, conduct, and coordinate scientific 22119

research, taking ethnic and racial differences into consideration, 22120  
concerning the causes and prevention of mental illness and 22121  
addiction, methods of providing effective services and treatment, 22122  
and means of enhancing the mental health of and recovery from 22123  
addiction of all residents of this state; 22124

(7) Foster the establishment and availability of vocational 22125  
rehabilitation services and the creation of employment 22126  
opportunities for consumers of mental health and addiction 22127  
services, including members of racial and ethnic minorities; 22128

(8) Establish a program to protect and promote the rights of 22129  
persons receiving mental health and addiction services, including 22130  
the issuance of guidelines on informed consent and other rights; 22131

(9) Promote the involvement of persons who are receiving or 22132  
have received mental health or addiction services, including 22133  
families and other persons having a close relationship to a person 22134  
receiving those services, in the planning, evaluation, delivery, 22135  
and operation of mental health and addiction services; 22136

(10) Notify and consult with the relevant constituencies that 22137  
may be affected by rules, standards, and guidelines issued by the 22138  
department of mental health and addiction services. These 22139  
constituencies shall include consumers of mental health and 22140  
addiction services and their families, and may include public and 22141  
private providers, employee organizations, and others when 22142  
appropriate. Whenever the department proposes the adoption, 22143  
amendment, or rescission of rules under Chapter 119. of the 22144  
Revised Code, the notification and consultation required by this 22145  
division shall occur prior to the commencement of proceedings 22146  
under Chapter 119. The department shall adopt rules under Chapter 22147  
119. of the Revised Code that establish procedures for the 22148  
notification and consultation required by this division. 22149

(11) Provide consultation to the department of rehabilitation 22150

and correction concerning the delivery of mental health and 22151  
addiction services in state correctional institutions. 22152

(12) Promote and coordinate efforts in the provision of 22153  
alcohol and drug addiction services and of gambling addiction 22154  
services by other state agencies, as defined in section 1.60 of 22155  
the Revised Code; courts; hospitals; clinics; physicians in 22156  
private practice; public health authorities; boards of alcohol, 22157  
drug addiction, and mental health services; alcohol and drug 22158  
addiction services providers; law enforcement agencies; gambling 22159  
addiction services providers; and related groups; 22160

(13) Provide to each court of record, and biennially update, 22161  
a list of the treatment and education programs within that court's 22162  
jurisdiction that the court may require an offender, sentenced 22163  
pursuant to section 4511.19 of the Revised Code, to attend; 22164

(14) Make the warning sign described in sections 3313.752, 22165  
3345.41, and 3707.50 of the Revised Code available on the 22166  
department's internet web site; 22167

(15) Provide a program of gambling addiction services on 22168  
behalf of the state lottery commission, pursuant to an agreement 22169  
entered into with the director of the commission under division 22170  
(K) of section 3770.02 of the Revised Code, and provide a program 22171  
of gambling addiction services on behalf of the Ohio casino 22172  
control commission, under an agreement entered into with the 22173  
executive director of the commission under section 3772.062 of the 22174  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 22175  
Constitution, the department may enter into agreements with boards 22176  
of alcohol, drug addiction, and mental health services, including 22177  
boards with districts in which a casino facility is not located, 22178  
and nonprofit organizations to provide gambling addiction services 22179  
and substance abuse services, and with state institutions of 22180  
higher education or private nonprofit institutions that possess a 22181  
certificate of authorization issued under Chapter 1713. of the 22182

Revised Code to perform related research.	22183
(B) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.	22184 22185 22186
(C) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter.	22187 22188 22189 22190 22191 22192
<b>Sec. 5119.22.</b> The director of mental health and addiction services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:	22193 22194 22195 22196
(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.	22197 22198 22199
(B) Review and evaluate <u>the full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction and the continuum of care for other services</u> in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district submitted under division (A)(4) of section 340.03 of the Revised Code and the priorities and plans of the department <u>of mental health and addiction services</u> , including the needs of residents of the district currently receiving services in state-operated hospitals, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;	22200 22201 22202 22203 22204 22205 22206 22207 22208 22209 22210 22211
(C) At the director's discretion, provide to boards of	22212

alcohol, drug addiction, and mental health services state or 22213  
federal funds, in addition to those allocated under section 22214  
5119.23 of the Revised Code, for special programs or projects the 22215  
director considers necessary but for which local funds are not 22216  
available; 22217

(D) Establish, in consultation with board of alcohol, drug 22218  
addiction, and mental health service representatives and after 22219  
consideration of the recommendations of the medical director, 22220  
guidelines for the development of community mental health and 22221  
addiction services plans and the review and approval or 22222  
disapproval of such plans submitted pursuant to section 340.03 of 22223  
the Revised Code. 22224

(E) Establish criteria by which a board of alcohol, drug 22225  
addiction, and mental health services reviews and evaluates the 22226  
quality, effectiveness, and efficiency of its contracted services. 22227  
The criteria shall include requirements ensuring appropriate 22228  
service utilization. The department shall assess a board's 22229  
evaluation of services and the compliance of each board with this 22230  
section, Chapter 340. of the Revised Code, and other state or 22231  
federal law and regulations. The department, in cooperation with 22232  
the board, periodically shall review and evaluate the quality, 22233  
effectiveness, and efficiency of services provided through each 22234  
board. The department shall collect information that is necessary 22235  
to perform these functions. 22236

(F) To the extent the director determines necessary and after 22237  
consulting with boards of alcohol, drug addiction, and mental 22238  
health services and community addiction and mental health services 22239  
providers, develop and operate, or contract for the operation of, 22240  
a community behavioral health information system or systems. The 22241  
department shall specify the information that must be provided by 22242  
boards of alcohol, drug addiction, and mental health services and 22243  
by community addiction and mental health services providers for 22244

inclusion in the system or systems. 22245

Boards of alcohol, drug addiction, and mental health services 22246  
and community addiction and mental health services providers shall 22247  
submit information requested by the department in the form and 22248  
manner and in accordance with time frames prescribed by the 22249  
department. Information collected by the department may include 22250  
all of the following: 22251

(1) Information on services provided; 22252

(2) Financial information regarding expenditures of federal, 22253  
state, or local funds; 22254

(3) Information about persons served. 22255

The department shall not collect any personal information 22256  
from the boards except as required or permitted by state or 22257  
federal law for purposes related to payment, health care 22258  
operations, program and service evaluation, reporting activities, 22259  
research, system administration, and oversight. 22260

(G)(1) Review each board's community mental health and 22261  
addiction services plan, budget, and statement of services to be 22262  
~~made available~~ submitted pursuant to sections 340.03 and 340.08 of 22263  
the Revised Code and approve or disapprove the plan, the budget, 22264  
and the statement of services in whole or in part. 22265

The department may withhold all or part of the funds 22266  
allocated to a board if it disapproves all or part of a plan, 22267  
budget, or statement of services, except that the department shall 22268  
withhold all of the funds allocated to the board if the department 22269  
disapproves the budget because the budget does not comply with 22270  
division (A)(1) of section 340.08 of the Revised Code. Prior to a 22271  
final decision to disapprove a plan, budget, or statement of 22272  
services, or to withhold funds from a board, a representative of 22273  
the director of mental health and addiction services shall meet 22274  
with the board and discuss the reason for the action the 22275

department proposes to take and any corrective action that should 22276  
be taken to make the plan, budget, or statement of services 22277  
acceptable to the department. In addition, the department shall 22278  
offer technical assistance to the board to assist it to make the 22279  
plan, budget, or statement of services acceptable. The department 22280  
shall give the board a reasonable time in which to revise the 22281  
plan, budget, or statement of services. The board thereafter shall 22282  
submit a revised plan, budget, or statement of services, or a new 22283  
plan, budget, or statement of services. 22284

(2) If a board determines that it is necessary to amend the 22285  
plan, budget, or statement of services that has been approved 22286  
under this section, the board shall submit the proposed amendment 22287  
to the department. The department may approve or disapprove all or 22288  
part of the amendment. 22289

(3) If the director disapproves of all or part of any 22290  
proposed amendment, the director shall provide the board an 22291  
opportunity to present its position. The director shall inform the 22292  
board of the reasons for the disapproval and of the criteria that 22293  
must be met before the proposed amendment may be approved. The 22294  
director shall give the board a reasonable time within which to 22295  
meet the criteria and shall offer technical assistance to the 22296  
board to help it meet the criteria. 22297

(4) The department shall establish procedures for the review 22298  
of plans, budgets, and statements of services, and a timetable for 22299  
submission and review of plans, budgets, and statements of 22300  
services and for corrective action and submission of new or 22301  
revised plans, budgets, and statements of services. 22302

**Sec. 5119.23.** (A) The department of mental health and 22303  
addiction services shall establish a methodology for allocating to 22304  
boards of alcohol, drug addiction, and mental health services the 22305  
funds appropriated by the general assembly to the department for 22306



the purpose of the full spectrum of care for all levels of 22307  
treatment services for opioid and co-occurring drug addiction and 22308  
the continuum of care for other services to be provided as local 22309  
mental health and addiction services ~~continuum~~ of care. The 22310  
department shall establish the methodology after notifying and 22311  
consulting with relevant constituencies as required by division 22312  
(A)(10) of section 5119.21 of the Revised Code. The methodology 22313  
may provide for the funds to be allocated to boards on a district 22314  
or multi-district basis. 22315

(B) Subject to section 5119.25 of the Revised Code, and to 22316  
required submissions and approvals under section 340.08 of the 22317  
Revised Code, the department shall allocate the funds to the 22318  
boards in a manner consistent with the methodology, this section, 22319  
other state and federal laws, rules, and regulations. 22320

(C) In consultation with boards, community mental health and 22321  
addiction services providers, and persons receiving services, the 22322  
department shall establish guidelines for the use of funds 22323  
allocated and distributed under this section. 22324

**Sec. 5119.25.** (A) The director of mental health and addiction 22325  
services, in whole or in part, may withhold funds otherwise to be 22326  
allocated to a board of alcohol, drug addiction, and mental health 22327  
services under section 5119.23 of the Revised Code if the board 22328  
fails to comply with Chapter 340. or section 5119.22, 5119.24, 22329  
5119.36, or 5119.371 of the Revised Code or rules of the 22330  
department of mental health and addiction services. However, the 22331  
director shall withhold all such funds from the board when 22332  
required to do so under division (A)(4) of section 340.08 of the 22333  
Revised Code or division (G)(1) of section 5119.22 of the Revised 22334  
Code. 22335

(B) The director of mental health and addiction services may 22336  
withhold funds otherwise to be allocated to a board of alcohol, 22337

drug addiction, and mental health services under section 5119.23 22338  
of the Revised Code if the board denies available service on the 22339  
basis of race, color, religion, creed, sex, age, national origin, 22340  
disability as defined in section 4112.01 of the Revised Code, or 22341  
developmental disability. 22342

(C) The director shall issue a notice identifying the areas 22343  
of noncompliance and the action necessary to achieve compliance. 22344  
The director may offer technical assistance to the board to 22345  
achieve compliance. The board shall have ~~ten~~ thirty days from 22346  
receipt of the notice of noncompliance to present its position 22347  
that it is in compliance or to submit to the director evidence of 22348  
corrective action the board took to achieve compliance. Before 22349  
withholding funds, the director or the director's designee shall 22350  
hold a hearing within ~~ten~~ thirty days of receipt of the board's 22351  
position or evidence to determine if there are continuing 22352  
violations and that either assistance is rejected or the board is 22353  
unable, or has failed, to achieve compliance. The director may 22354  
appoint a representative from another board of alcohol, drug 22355  
addiction, and mental health services to serve as a mentor for the 22356  
board in developing and executing a plan of corrective action to 22357  
achieve compliance. Any such representative shall be from a board 22358  
that is in compliance with Chapter 340. of the Revised Code, 22359  
sections 5119.22, 5119.24, 5119.36, and 5119.371 of the Revised 22360  
Code, and the department's rules. Subsequent to the hearing 22361  
process, if it is determined that compliance has not been 22362  
achieved, the director may allocate all or part of the withheld 22363  
funds to ~~a public or private agency~~ one or more community mental 22364  
health services providers or community addiction services 22365  
providers to provide the community mental health or community 22366  
addiction service for which the board is not in compliance until 22367  
the time that there is compliance. The director ~~may~~ shall adopt 22368  
rules in accordance with Chapter 119. of the Revised Code to 22369  
implement this section. 22370

Sec. 5119.362. (A) In accordance with rules adopted under 22371  
section 5119.363 of the Revised Code, each community addiction 22372  
services provider shall do all of the following: 22373

(1) Maintain, in an aggregate form, a waiting list of 22374  
individuals to whom all of the following apply: 22375

(a) The individual has been documented as having a clinical 22376  
need for alcohol and drug addiction services due to an opioid or 22377  
co-occurring drug addiction. 22378

(b) The individual has applied to the provider for a 22379  
clinically necessary treatment service included in the full 22380  
spectrum of care required by division (B) of section 340.09 of the 22381  
Revised Code. 22382

(c) The individual has not begun to receive the clinically 22383  
necessary treatment service within five days of the individual's 22384  
application for the service because the provider lacks an 22385  
available slot for the individual. 22386

(2) Notify an individual included on the provider's waiting 22387  
list when the provider has a slot available for the individual 22388  
and, if the individual does not contact the provider about the 22389  
slot within a period of time specified in the rules, contact the 22390  
individual to determine why the individual did not contact the 22391  
provider and to assess whether the individual still needs the 22392  
treatment service; 22393

(3) Subject to divisions (B) and (C) of this section, report 22394  
all of the following information each month to the board of 22395  
alcohol, drug addiction, and mental health services that serves 22396  
the county or counties in which the provider provides alcohol and 22397  
drug addiction services: 22398

(a) An unduplicated count of all individuals who reside in a 22399  
county that the board serves and were included on the provider's 22400

waiting list as of the last day of the immediately preceding month 22401  
and each type of treatment service for which they were waiting; 22402

(b) The total number of days all such individuals had been on 22403  
the provider's waiting list as of the last day of the immediately 22404  
preceding month; 22405

(c) The last known types of residential settings in which all 22406  
such individuals resided as of the last day of the immediately 22407  
preceding month; 22408

(d) The number of all such individuals who did not contact 22409  
the provider after receiving, during the immediately preceding 22410  
month, the notices under division (A)(2) of this section about the 22411  
provider having slots available for the individuals, and the 22412  
reasons the contacts were not made; 22413

(e) The number of all such individuals who withdrew, in the 22414  
immediately preceding month, their applications for the treatment 22415  
services, each type of treatment service for which those 22416  
individuals had applied, and the reasons the applications were 22417  
withdrawn; 22418

(f) All other information specified in the rules. 22419

(B) If a community addiction services provider provides 22420  
alcohol and drug addiction services in more than one county and 22421  
those counties are served by different boards of alcohol, drug 22422  
addiction, and mental health services, the provider shall provide 22423  
separate reports under division (C)(3) of this section to each of 22424  
the boards serving the counties in which the provider provides the 22425  
services. The report provided to a board shall be specific to the 22426  
county or counties the board serves and not include information 22427  
for individuals residing in other counties. 22428

(C) Each report that a community addiction services provider 22429  
provides to a board of alcohol, drug addiction, and mental health 22430  
services under this section shall do all of the following: 22431

(1) Maintain the confidentiality of all individuals for whom information is included in the report; 22432  
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(2) For the purpose of the information reported under division (A)(3)(c) of this section, identify the types of residential settings at least as either institutional or noninstitutional; 22434  
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(3) If the report is provided to a board that serves more than one county, present the information included in the report in a manner that is broken down for each of the counties the board serves. 22438  
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Sec. 5119.363. The director of mental health and addiction services shall adopt rules governing the duties of boards of alcohol, drug addiction, and mental health services under section 340.20 of the Revised Code and the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 22442  
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Sec. 5119.364. The department of mental health and addiction services shall make the reports it receives under section 340.20 of the Revised Code from boards of alcohol, drug addiction, and mental health services available on the department's internet web site. The information contained in the reports shall be presented on the web site on both a statewide basis and county-level basis. The information on the web site shall be updated monthly after the boards submit new reports to the department. 22449  
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Sec. 5119.365. (A) The director of mental health and addiction services shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following: 22457  
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(1) Streamline the intake procedures used by a community 22460

addiction services provider accepting and beginning to serve a new patient, including procedures regarding intake forms and questionnaires; 22461  
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(2) Enable a community addiction services provider to retain a patient as an active patient even though the patient last received services from the provider more than thirty days before resumption of services so that the patient and provider do not have to repeat the intake procedures. 22464  
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(B) The rules adopted under this section shall do both of the following: 22469  
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(1) Model the intake and resumption of service procedures on such procedures used by primary care physicians; 22471  
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(2) Facilitate the exchange of information about patients between community addiction services providers and primary care physicians. 22473  
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**Sec. 5119.40.** (A) As used in this section, ~~"mentally and~~ section 5119.401 of the Revised Code: 22476  
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(1) "Mentally ill individual" and "specialized services" have the same meanings as in section 5165.03 of the Revised Code. 22478  
22479

(2) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 22480  
22481

(B)(1) Except as provided in division (B)(2) of this section and, in rules adopted under division (E)(3) of this section, and in section 5119.401 of the Revised Code, for purposes of section 5165.03 of the Revised Code, the department of mental health and addiction services shall determine in accordance with the "Social Security Act," section 1919(e)(7), 42 U.S.C. 1396r(e)(7), and regulations adopted under section 1919(f)(8)(A) of that act, 42 U.S.C. 1396r(f)(8)(A), whether, because of the individual's physical and mental condition, a mentally ill individual seeking 22482  
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admission to a nursing facility requires the level of services 22491  
provided by a nursing facility and, if the individual requires 22492  
that level of services, whether the individual requires 22493  
specialized services for mental illness. The determination 22494  
required by this division shall be based on an independent 22495  
physical and mental evaluation performed by a person or entity 22496  
other than the department. 22497

(2) Except as provided in division (B)(3) of this section, a 22498  
determination under division (B)(1) of this section is not 22499  
required for any of the following: 22500

(a) An individual seeking readmission to a nursing facility 22501  
after having been transferred from a nursing facility to a 22502  
hospital for care; 22503

(b) An individual who meets all of the following conditions: 22504

(i) The individual is admitted to the nursing facility 22505  
directly from a hospital after receiving inpatient care at the 22506  
hospital; 22507

(ii) The individual requires nursing facility services for 22508  
the condition for which care in the hospital was received; 22509

(iii) The individual's attending physician has certified, 22510  
before admission to the nursing facility, that the individual is 22511  
likely to require less than thirty days of nursing facility 22512  
services. 22513

(c) An individual transferred from one nursing facility to 22514  
another nursing facility, with or without an intervening hospital 22515  
stay. 22516

(3) A Except as provided in section 5119.401 of the Revised 22517  
Code, a determination under division (B)(1) of this section is 22518  
required for an individual described in division (B)(2)(a) or (b) 22519  
of this section if the hospital from which the individual is 22520

transferred or directly admitted to a nursing facility is either 22521  
of the following: 22522

(a) A hospital that the department maintains, operates, 22523  
manages, and governs under section 5119.14 of the Revised Code for 22524  
the care and treatment of mentally ill persons; 22525

(b) A free-standing hospital, or unit of a hospital, licensed 22526  
by the department under section 5119.33 of the Revised Code. 22527

(c) Except as provided in section 5119.401 of the Revised 22528  
Code and rules adopted under division (E)(3) of this section, the 22529  
department of mental health and addiction services shall review 22530  
and determine for each resident of a nursing facility who is 22531  
mentally ill, whether the resident, because of the resident's 22532  
physical and mental condition, requires the level of services 22533  
provided by a nursing facility and whether the resident requires 22534  
specialized services for mental illness. The review and 22535  
determination shall be conducted in accordance with section 22536  
1919(e)(7) of the "Social Security Act" and the regulations 22537  
adopted under section 1919(f)(8)(A) of the act and based on an 22538  
independent physical and mental evaluation performed by a person 22539  
or entity other than the department. The review and determination 22540  
shall be completed promptly after a nursing facility has notified 22541  
the department that there has been a significant change in the 22542  
resident's mental or physical condition. 22543

(d)(1) In the case of a nursing facility resident who has 22544  
continuously resided in a nursing facility for at least thirty 22545  
months before the date of a review and determination under 22546  
division (c) of this section or a resident review under division 22547  
(A)(2) of section 5119.401 of the Revised Code, if the resident is 22548  
determined not to require the level of services provided by a 22549  
nursing facility, but is determined to require specialized 22550  
services for mental illness, the department, in consultation with 22551  
the resident's family or legal representative and care givers, 22552



shall do all of the following: 22553

(a) Inform the resident of the institutional and 22554  
noninstitutional alternatives covered under the medicaid state 22555  
plan ~~for medical assistance~~; 22556

(b) Offer the resident the choice of remaining in the nursing 22557  
facility or receiving covered services in an alternative 22558  
institutional or noninstitutional setting; 22559

(c) Clarify the effect on eligibility for services under the 22560  
medicaid state plan ~~for medical assistance~~ if the resident chooses 22561  
to leave the facility, including its effect on readmission to the 22562  
facility; 22563

(d) Provide for or arrange for the provision of specialized 22564  
services for the resident's mental illness in the setting chosen 22565  
by the resident. 22566

(2) In the case of a nursing facility resident who has 22567  
continuously resided in a nursing facility for less than thirty 22568  
months before the date of the review and determination under 22569  
division (C) of this section or a resident review under division 22570  
(A)(2) of section 5119.401 of the Revised Code, if the resident is 22571  
determined not to require the level of services provided by a 22572  
nursing facility, but is determined to require specialized 22573  
services for mental illness, or if the resident is determined to 22574  
require neither the level of services provided by a nursing 22575  
facility nor specialized services for mental illness, the 22576  
department shall act in accordance with its alternative 22577  
disposition plan approved by the United States department of 22578  
health and human services under section 1919(e)(7)(E) of the 22579  
"Social Security Act." 22580

(3) In the case of an individual who is determined under 22581  
division (B) or (C) of this section or division (A)(2) of section 22582  
5119.401 of the Revised Code to require both the level of services 22583

provided by a nursing facility and specialized services for mental 22584  
illness, the department of mental health and addiction services 22585  
shall provide or arrange for the provision of the specialized 22586  
services needed by the individual or resident while residing in a 22587  
nursing facility. 22588

(E) The department of mental health and addiction services 22589  
shall adopt rules in accordance with Chapter 119. of the Revised 22590  
Code that do all of the following: 22591

(1) Establish criteria to be used in making the 22592  
determinations required by divisions (B) and (C) of this section. 22593  
The criteria shall not exceed the criteria established by 22594  
regulations adopted by the United States department of health and 22595  
human services under section 1919(f)(8)(A) of the "Social Security 22596  
Act." 22597

(2) Specify information to be provided by the individual or 22598  
nursing facility resident being assessed; 22599

(3) Specify any circumstances, in addition to circumstances 22600  
listed in division (B) of this section and specified in section 22601  
5119.401 of the Revised Code, under which determinations under 22602  
divisions (B) and (C) of this section are not required to be made. 22603

**Sec. 5119.401.** (A) A nursing facility with a valid license 22604  
issued by the director of mental health and addiction services 22605  
under division (B) of this section may do both of the following: 22606

(1) Admit as a resident a mentally ill individual without the 22607  
individual undergoing the determination otherwise required by 22608  
division (B)(1) of section 5119.40 of the Revised Code if the 22609  
individual, pursuant to division (B)(2)(a) or (b) of that section, 22610  
would be exempt from having to undergo the determination if not 22611  
for division (B)(3) of that section; 22612

(2) Instead of providing for a resident admitted to the 22613

nursing facility under division (A)(1) of this section to undergo 22614  
a review and determination under division (C) of section 5119.40 22615  
of the Revised Code, provide for the resident to undergo a 22616  
resident review that is conducted in accordance with all of the 22617  
following: 22618

(a) By a case manager who does not have a direct or indirect 22619  
affiliation or relationship with the nursing facility; 22620

(b) Every thirty days; 22621

(c) In accordance with the requirements of the "Social 22622  
Security Act," section 1919(e)(7), 42 U.S.C. 1396r(e)(7), and the 22623  
regulations adopted under the "Social Security Act," section 22624  
1919(f)(8)(A), 42 U.S.C. 1396r(f)(8)(A). 22625

(B) The director shall issue to a nursing facility a license 22626  
that authorizes the nursing facility to take the actions specified 22627  
in division (A) of this section if all of the following apply: 22628

(1) The nursing facility has a medical director who is a 22629  
psychiatrist; 22630

(2) The nursing facility provides specialized services for 22631  
mental illness; 22632

(3) The nursing facility does not restrict admissions to 22633  
mentally ill individuals; 22634

(4) The nursing facility meets all other requirements 22635  
specified in rules adopted under this section. 22636

(C) The director shall adopt rules in accordance with Chapter 22637  
119. of the Revised Code as necessary to implement this section. 22638

Sec. 5122.36. If the legal residence of a person suffering 22639  
from mental illness is in another county of the state, the 22640  
necessary expense of the person's return is a proper charge 22641  
against the county of legal residence. If an adjudication and 22642

order of hospitalization by the probate court of the county of 22643  
temporary residence are required, the regular probate court fees 22644  
and expenses incident to the order of hospitalization under this 22645  
chapter and any other expense incurred on the person's behalf 22646  
shall be charged to and paid by the county of the person's legal 22647  
residence upon the approval and certification of the probate judge 22648  
of that county. The ordering court shall send to the probate court 22649  
of the person's county of legal residence a certified transcript 22650  
of all proceedings had in the ordering court. The receiving court 22651  
shall enter and record the transcript. The certified transcript is 22652  
prima facie evidence of the residence of the person. When the 22653  
residence of the person cannot be established as represented by 22654  
the ordering court, the matter of residence shall be referred to 22655  
the department of mental health and addiction services for 22656  
investigation and determination. 22657

**Sec. 5123.01.** As used in this chapter: 22658

(A) "Chief medical officer" means the licensed physician 22659  
appointed by the managing officer of an institution for the 22660  
mentally retarded with the approval of the director of 22661  
developmental disabilities to provide medical treatment for 22662  
residents of the institution. 22663

(B) "Chief program director" means a person with special 22664  
training and experience in the diagnosis and management of the 22665  
mentally retarded, certified according to division (C) of this 22666  
section in at least one of the designated fields, and appointed by 22667  
the managing officer of an institution for the mentally retarded 22668  
with the approval of the director to provide habilitation and care 22669  
for residents of the institution. 22670

(C) "Comprehensive evaluation" means a study, including a 22671  
sequence of observations and examinations, of a person leading to 22672

conclusions and recommendations formulated jointly, with 22673  
dissenting opinions if any, by a group of persons with special 22674  
training and experience in the diagnosis and management of persons 22675  
with mental retardation or a developmental disability, which group 22676  
shall include individuals who are professionally qualified in the 22677  
fields of medicine, psychology, and social work, together with 22678  
such other specialists as the individual case may require. 22679

(D) "Education" means the process of formal training and 22680  
instruction to facilitate the intellectual and emotional 22681  
development of residents. 22682

(E) "Habilitation" means the process by which the staff of 22683  
the institution assists the resident in acquiring and maintaining 22684  
those life skills that enable the resident to cope more 22685  
effectively with the demands of the resident's own person and of 22686  
the resident's environment and in raising the level of the 22687  
resident's physical, mental, social, and vocational efficiency. 22688  
Habilitation includes but is not limited to programs of formal, 22689  
structured education and training. 22690

(F) "Health officer" means any public health physician, 22691  
public health nurse, or other person authorized or designated by a 22692  
city or general health district. 22693

(G) "Home and community-based services" means medicaid-funded 22694  
home and community-based services specified in division (A)(1) of 22695  
section 5166.20 of the Revised Code provided under the medicaid 22696  
waiver components the department of developmental disabilities 22697  
administers pursuant to section 5166.21 of the Revised Code. 22698  
Except as provided in section 5123.0412 of the Revised Code, home 22699  
and community-based services provided under the medicaid waiver 22700  
component known as the transitions developmental disabilities 22701  
waiver are to be considered to be home and community-based 22702  
services for the purposes of this chapter, and Chapters 5124. and 22703  
5126. of the Revised Code, only to the extent, if any, provided by 22704

the contract required by section 5166.21 of the Revised Code 22705  
regarding the waiver. 22706

(H) "ICF/IID" has the same meaning as in section 5124.01 of 22707  
the Revised Code. 22708

(I) "Indigent person" means a person who is unable, without 22709  
substantial financial hardship, to provide for the payment of an 22710  
attorney and for other necessary expenses of legal representation, 22711  
including expert testimony. 22712

(J) "Institution" means a public or private facility, or a 22713  
part of a public or private facility, that is licensed by the 22714  
appropriate state department and is equipped to provide 22715  
residential habilitation, care, and treatment for the mentally 22716  
retarded. 22717

(K) "Licensed physician" means a person who holds a valid 22718  
certificate issued under Chapter 4731. of the Revised Code 22719  
authorizing the person to practice medicine and surgery or 22720  
osteopathic medicine and surgery, or a medical officer of the 22721  
government of the United States while in the performance of the 22722  
officer's official duties. 22723

(L) "Managing officer" means a person who is appointed by the 22724  
director of developmental disabilities to be in executive control 22725  
of an institution for the mentally retarded under the jurisdiction 22726  
of the department. 22727

(M) "Medicaid case management services" means case management 22728  
services provided to an individual with mental retardation or 22729  
other developmental disability that the state medicaid plan 22730  
requires. 22731

(N) "Mentally retarded person" means a person having 22732  
significantly subaverage general intellectual functioning existing 22733  
concurrently with deficiencies in adaptive behavior, manifested 22734  
during the developmental period. 22735

(O) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

(2) The person needs and is susceptible to significant habilitation in an institution.

(P) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification in mental retardation published by the American association on mental retardation.

(Q) 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.	22767
(4) It results in one of the following:	22768
(a) In the case of a person under three years of age, at least one developmental delay or <del>an established risk</del> <u>a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay;</u>	22769 22770 22771 22772
(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays <del>or an established risk;</del>	22773 22774 22775
(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.	22776 22777 22778 22779 22780 22781 22782
(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.	22783 22784 22785 22786
(R) "Developmentally disabled person" means a person with a developmental disability.	22787 22788
(S) "State institution" means an institution that is tax-supported and under the jurisdiction of the department.	22789 22790
(T) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of 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	22791 22792 22793 22794 22795 22796



assistance given. A person having a legal settlement in the state 22797  
shall be considered as having legal settlement in the assistance 22798  
area in which the person resides. No adult person coming into this 22799  
state and having a spouse or minor children residing in another 22800  
state shall obtain a legal settlement in this state as long as the 22801  
spouse or minor children are receiving public assistance, care, or 22802  
support at the expense of the other state or its subdivisions. For 22803  
the purpose of determining the legal settlement of a person who is 22804  
living in a public or private institution or in a home subject to 22805  
licensing by the department of job and family services, the 22806  
department of mental health and addiction services, or the 22807  
department of developmental disabilities, the residence of the 22808  
person shall be considered as though the person were residing in 22809  
the county in which the person was living prior to the person's 22810  
entrance into the institution or home. Settlement once acquired 22811  
shall continue until a person has been continuously absent from 22812  
Ohio for a period of one year or has acquired a legal residence in 22813  
another state. A woman who marries a man with legal settlement in 22814  
any county immediately acquires the settlement of her husband. The 22815  
legal settlement of a minor is that of the parents, surviving 22816  
parent, sole parent, parent who is designated the residential 22817  
parent and legal custodian by a court, other adult having 22818  
permanent custody awarded by a court, or guardian of the person of 22819  
the minor, provided that: 22820

(1) A minor female who marries shall be considered to have 22821  
the legal settlement of her husband and, in the case of death of 22822  
her husband or divorce, she shall not thereby lose her legal 22823  
settlement obtained by the marriage. 22824

(2) A minor male who marries, establishes a home, and who has 22825  
resided in this state for one year without receiving general 22826  
assistance prior to July 17, 1995, under former Chapter 5113. of 22827  
the Revised Code, financial assistance under Chapter 5115. of the 22828

Revised Code, or assistance from a private agency that maintains 22829  
records of assistance given shall be considered to have obtained a 22830  
legal settlement in this state. 22831

(3) The legal settlement of a child under eighteen years of 22832  
age who is in the care or custody of a public or private child 22833  
caring agency shall not change if the legal settlement of the 22834  
parent changes until after the child has been in the home of the 22835  
parent for a period of one year. 22836

No person, adult or minor, may establish a legal settlement 22837  
in this state for the purpose of gaining admission to any state 22838  
institution. 22839

(U)(1) "Resident" means, subject to division (U)(2) of this 22840  
section, a person who is admitted either voluntarily or 22841  
involuntarily to an institution or other facility pursuant to 22842  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 22843  
Code subsequent to a finding of not guilty by reason of insanity 22844  
or incompetence to stand trial or under this chapter who is under 22845  
observation or receiving habilitation and care in an institution. 22846

(2) "Resident" does not include a person admitted to an 22847  
institution or other facility under section 2945.39, 2945.40, 22848  
2945.401, or 2945.402 of the Revised Code to the extent that the 22849  
reference in this chapter to resident, or the context in which the 22850  
reference occurs, is in conflict with any provision of sections 22851  
2945.37 to 2945.402 of the Revised Code. 22852

(V) "Respondent" means the person whose detention, 22853  
commitment, or continued commitment is being sought in any 22854  
proceeding under this chapter. 22855

(W) "Working day" and "court day" mean Monday, Tuesday, 22856  
Wednesday, Thursday, and Friday, except when such day is a legal 22857  
holiday. 22858

(X) "Prosecutor" means the prosecuting attorney, village 22859

solicitor, city director of law, or similar chief legal officer 22860  
who prosecuted a criminal case in which a person was found not 22861  
guilty by reason of insanity, who would have had the authority to 22862  
prosecute a criminal case against a person if the person had not 22863  
been found incompetent to stand trial, or who prosecuted a case in 22864  
which a person was found guilty. 22865

(Y) "Court" means the probate division of the court of common 22866  
pleas. 22867

(Z) "Supported living" and "residential services" have the 22868  
same meanings as in section 5126.01 of the Revised Code. 22869

**Sec. 5123.011.** The director of developmental disabilities 22870  
shall adopt rules in accordance with Chapter 119. of the Revised 22871  
Code ~~that establish definitions of "substantial functional~~ 22872  
~~limitation,"~~ to do both of the following: 22873

(A) Define "developmental delay," ~~"established risk,"~~ 22874  
~~"biological risk,"~~ and ~~"environmental risk."~~; 22875

(B) For the purpose of division (O)(4)(c) of section 5123.01 22876  
and division (F)(4)(c) of section 5126.01 of the Revised Code, 22877  
specify how to determine whether a person six years of age or 22878  
older has a substantial functional limitation in a major life 22879  
activity as appropriate for the person's age. 22880

**Sec. 5123.012.** (A) As used in this section: 22881

~~(1) "Biological risk" and "environmental risk" have the~~ 22882  
~~meanings established pursuant to section 5123.011 of the Revised~~ 22883  
~~Code.~~ 22884

~~(2) "Preschool,"~~ "preschool child with a disability" has the 22885  
same meaning as in section 3323.01 of the Revised Code. 22886

(B) Except as provided in division (C) of this section, the 22887  
department of developmental disabilities shall make eligibility 22888

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 been demonstrated through scientific evaluation to produce a positive outcome.

The department of developmental disabilities shall establish

a voluntary training and certification program for individuals who 22919  
provide evidence-based interventions to individuals with an autism 22920  
spectrum disorder. The department shall administer the program or 22921  
contract with a person or other government entity to administer 22922  
the program. The program shall not conflict with or duplicate any 22923  
other certification or licensure process administered by the 22924  
state. 22925

The director of developmental disabilities may adopt rules as 22926  
necessary to implement this section. If the director adopts rules, 22927  
the rules shall be adopted in accordance with Chapter 119. of the 22928  
Revised Code. 22929

**Sec. 5123.16.** (A) As used in sections 5123.16 to 5123.1610 of 22930  
the Revised Code: 22931

(1) "Applicant" means any of the following: 22932

(a) The chief executive officer of a business that applies 22933  
under section 5123.161 of the Revised Code for a certificate to 22934  
provide supported living; 22935

(b) The chief executive officer of a business that seeks 22936  
renewal of the business's supported living certificate under 22937  
section 5123.164 of the Revised Code; 22938

(c) An individual who applies under section 5123.161 of the 22939  
Revised Code for a certificate to provide supported living as an 22940  
independent provider; 22941

(d) An independent provider who seeks renewal of the 22942  
independent provider's supported living certificate under section 22943  
5123.164 of the Revised Code. 22944

(2)~~(a)~~ "Business" means ~~either of the following:~~ 22945

~~(i) An~~ an association, corporation, nonprofit organization, 22946  
partnership, trust, or other group of persons; 22947

<del>(ii) An individual who employs, directly or through contract,</del>	22948
<del>one or more other individuals to provide supported living.</del>	22949
<del>(b).</del> "Business" does not mean an independent provider.	22950
(3) "Criminal records check" has the same meaning as in	22951
section 109.572 of the Revised Code.	22952
(4) "Disqualifying offense" means any of the offenses listed	22953
or described in divisions (A)(3)(a) to (e) of section 109.572 of	22954
the Revised Code.	22955
(5) "Independent provider" means a provider who provides	22956
supported living on a self-employed basis and does not employ,	22957
directly or through contract, another <del>individual</del> <u>person</u> to provide	22958
the supported living.	22959
(6) "Provider" means a person or government entity certified	22960
by the director of developmental disabilities to provide supported	22961
living. <u>For the purpose of division (A)(8) of this section,</u>	22962
<u>"provider" includes a person or government entity that seeks or</u>	22963
<u>previously held a certificate to provide supported living.</u>	22964
(7) "Minor drug possession offense" has the same meaning as	22965
in section 2925.01 of the Revised Code.	22966
(8) "Related party" means any of the following:	22967
(a) In the case of a provider who is an individual, any of	22968
the following:	22969
(i) The spouse of the provider;	22970
(ii) A parent or stepparent of the provider or provider's	22971
spouse;	22972
(iii) A child of the provider or provider's spouse;	22973
(iv) A sibling, half sibling, or stepsibling of the provider	22974
or provider's spouse;	22975
(v) A grandparent of the provider or provider's spouse;	22976

(vi) A grandchild of the provider or provider's spouse;	22977
<del>(vii) An employee or employer of the provider or provider's spouse.</del>	22978 22979
(b) In the case of a provider that is a person other than an individual, any of the following:	22980 22981
(i) <del>An employee of the person</del> <u>Any person or government entity 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;</u>	22982 22983 22984 22985 22986 22987 22988 22989
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	22990 22991 22992
(iii) A member of the provider's board of directors or trustees;	22993 22994
(iv) A person owning a financial interest of five per cent or more in the provider, <u>including a direct, indirect, security, or mortgage financial interest;</u>	22995 22996 22997
<del>(v) A corporation that has a subsidiary relationship with the provider;</del>	22998 22999
<del>(vi) A person or government entity that has control over the provider's day-to-day operation;</del>	23000 23001
<del>(vii) <u>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;</u></del>	23002 23003 23004 23005
<u>(vi) A person over which the provider has control of the</u>	23006

day-to-day operation;	23007
<u>(vii) A corporation that has a subsidiary relationship with the provider.</u>	23008 23009
(c) In the case of a provider that is a government entity, any of the following:	23010 23011
<u>(i) <del>An employee of the provider</del> Any person or government 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;</u>	23012 23013 23014 23015 23016 23017
(ii) An officer of the provider;	23018
(iii) A member of the provider's governing board;	23019
<u>(iv) <del>A government entity that has control over the provider's day to day operation;</del></u>	23020 23021
<del>(v)</del> A person or government entity over which the provider has control of the day-to-day operation.	23022 23023
(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.	23024 23025 23026
(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.	23027 23028 23029
<b>Sec. 5123.162. (A)</b> 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	23030 23031 23032 23033 23034 23035



director may assign to a county board of developmental 23036  
disabilities the responsibility to conduct either type of survey. 23037  
Each survey shall ~~conduct the surveys~~ be conducted in accordance 23038  
with rules adopted under section 5123.1610 of the Revised Code. 23039  
23040

(B) Following each survey of a provider, the director shall 23041  
issue a report listing the date of the survey, any citations 23042  
issued as a result of the survey, and the statutes or rules that 23043  
purportedly have been violated and are the bases of the citations. 23044  
The director shall also do both of the following: 23045

(1) Specify a date by which the provider may appeal any of 23046  
the citations; 23047

(2) When appropriate, specify a timetable within which the 23048  
provider must submit a plan of correction describing how the 23049  
problems specified in the citations will be corrected and the date 23050  
by which the provider anticipates the problems will be corrected. 23051

(C) If the director initiates a proceeding to revoke a 23052  
provider's certification, the director shall include the report 23053  
required by division (B) of this section with the notice of the 23054  
proposed revocation the director sends to the provider. In this 23055  
circumstance, the provider may not submit a plan of correction. 23056

(D) After a plan of correction is submitted, the director 23057  
shall approve or disapprove the plan. If the plan of correction is 23058  
approved, a copy of the approved plan shall be provided, not later 23059  
than five business days after it is approved, to any person or 23060  
government entity that requests it and made available on the 23061  
internet web site maintained by the department of developmental 23062  
disabilities. If the plan of correction is not approved and the 23063  
director initiates a proceeding to revoke the provider's 23064  
certification, a copy of the survey report shall be provided to 23065  
any person or government entity that requests it and shall be made 23066

available on the internet web site maintained by the department. 23067

The (E) In addition to survey reports described in this 23068  
section, all other records of associated with surveys conducted 23069  
under this section are public records for the purpose of section 23070  
149.43 of the Revised Code and shall be made available on the 23071  
request of any person or government entity. 23072

**Sec. 5123.19.** (A) As used in sections 5123.19 to 5123.20 of 23073  
the Revised Code: 23074

(1) "Independent living arrangement" means an arrangement in 23075  
which a mentally retarded or developmentally disabled person 23076  
resides in an individualized setting chosen by the person or the 23077  
person's guardian, which is not dedicated principally to the 23078  
provision of residential services for mentally retarded or 23079  
developmentally disabled persons, and for which no financial 23080  
support is received for rendering such service from any 23081  
governmental agency by a provider of residential services. 23082

(2) "Licensee" means the person or government agency that has 23083  
applied for a license to operate a residential facility and to 23084  
which the license was issued under this section. 23085

(3) "Political subdivision" means a municipal corporation, 23086  
county, or township. 23087

(4) "Related party" has the same meaning as in section 23088  
5123.16 of the Revised Code except that "provider" as used in the 23089  
definition of "related party" means a person or government entity 23090  
that held or applied for a license to operate a residential 23091  
facility, rather than a person or government entity certified to 23092  
provide supported living. 23093

(5)(a) Except as provided in division (A)(5)(b) of this 23094  
section, "residential facility" means a home or facility, 23095  
including an ICF/IID, in which an individual with mental 23096

retardation or a developmental disability resides. 23097

(b) "Residential facility" does not mean any of the 23098  
following: 23099

(i) The home of a relative or legal guardian in which an 23100  
individual with mental retardation or a developmental disability 23101  
resides; 23102

(ii) A respite care home certified under section 5126.05 of 23103  
the Revised Code; 23104

(iii) A county home or district home operated pursuant to 23105  
Chapter 5155. of the Revised Code; 23106

(iv) A dwelling in which the only residents with mental 23107  
retardation or developmental disabilities are in independent 23108  
living arrangements or are being provided supported living. 23109

(B) Every person or government agency desiring to operate a 23110  
residential facility shall apply for licensure of the facility to 23111  
the director of developmental disabilities unless the residential 23112  
facility is subject to section 3721.02, 5103.03, 5119.33, or 23113  
division (A)(9)(b) of section 5119.34 of the Revised Code. 23114

(C) Subject to section 5123.196 of the Revised Code, the 23115  
director of developmental disabilities shall license the operation 23116  
of residential facilities. An initial license shall be issued for 23117  
a period that does not exceed one year, unless the director denies 23118  
the license under division (D) of this section. A license shall be 23119  
renewed for a period that does not exceed three years, unless the 23120  
director refuses to renew the license under division (D) of this 23121  
section. The director, when issuing or renewing a license, shall 23122  
specify the period for which the license is being issued or 23123  
renewed. A license remains valid for the length of the licensing 23124  
period specified by the director, unless the license is 23125  
terminated, revoked, or voluntarily surrendered. 23126

(D) If it is determined that an applicant or licensee is not 23127  
in compliance with a provision of this chapter that applies to 23128  
residential facilities or the rules adopted under such a 23129  
provision, the director may deny issuance of a license, refuse to 23130  
renew a license, terminate a license, revoke a license, issue an 23131  
order for the suspension of admissions to a facility, issue an 23132  
order for the placement of a monitor at a facility, issue an order 23133  
for the immediate removal of residents, or take any other action 23134  
the director considers necessary consistent with the director's 23135  
authority under this chapter regarding residential facilities. In 23136  
the director's selection and administration of the sanction to be 23137  
imposed, all of the following apply: 23138

(1) The director may deny, refuse to renew, or revoke a 23139  
license, if the director determines that the applicant or licensee 23140  
has demonstrated a pattern of serious noncompliance or that a 23141  
violation creates a substantial risk to the health and safety of 23142  
residents of a residential facility. 23143

(2) The director may terminate a license if more than twelve 23144  
consecutive months have elapsed since the residential facility was 23145  
last occupied by a resident or a notice required by division (K) 23146  
of this section is not given. 23147

(3) The director may issue an order for the suspension of 23148  
admissions to a facility for any violation that may result in 23149  
sanctions under division (D)(1) of this section and for any other 23150  
violation specified in rules adopted under division (H)(2) of this 23151  
section. If the suspension of admissions is imposed for a 23152  
violation that may result in sanctions under division (D)(1) of 23153  
this section, the director may impose the suspension before 23154  
providing an opportunity for an adjudication under Chapter 119. of 23155  
the Revised Code. The director shall lift an order for the 23156  
suspension of admissions when the director determines that the 23157  
violation that formed the basis for the order has been corrected. 23158

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (H)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.

(6) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. The county board shall send a copy of the letter to each of the following:

- (a) Each resident who receives services from the licensee;
- (b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.	23190 23191
(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.	23192 23193 23194 23195 23196
(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.	23197 23198 23199 23200 23201 23202 23203 23204
(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.	23205 23206 23207 23208 23209
(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	23210 23211 23212 23213 23214 23215 23216 23217 23218 23219 23220 23221

for the same or a substantially similar violation of a provision 23222  
of this chapter that applies to residential facilities or the 23223  
rules adopted under such a provision. The rules shall specify a 23224  
method for removing or amending the public notification if the 23225  
director's action is found to have been unjustified or the 23226  
violation at the residential facility has been corrected. 23227

(F)(1) Except as provided in division (F)(2) of this section, 23228  
appeals from proceedings initiated to impose a sanction under 23229  
division (D) of this section shall be conducted in accordance with 23230  
Chapter 119. of the Revised Code. 23231

(2) Appeals from proceedings initiated to order the 23232  
suspension of admissions to a facility shall be conducted in 23233  
accordance with Chapter 119. of the Revised Code, unless the order 23234  
was issued before providing an opportunity for an adjudication, in 23235  
which case all of the following apply: 23236

(a) The licensee may request a hearing not later than ten 23237  
days after receiving the notice specified in section 119.07 of the 23238  
Revised Code. 23239

(b) If a timely request for a hearing that includes the 23240  
licensee's current address is made, the hearing shall commence not 23241  
later than thirty days after the department receives the request. 23242

(c) After commencing, the hearing shall continue 23243  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 23244  
unless other interruptions are agreed to by the licensee and the 23245  
director. 23246

(d) If the hearing is conducted by a hearing examiner, the 23247  
hearing examiner shall file a report and recommendations not later 23248  
than ten days after the last of the following: 23249

(i) The close of the hearing; 23250

(ii) If a transcript of the proceedings is ordered, the 23251

hearing examiner receives the transcript; 23252

(iii) If post-hearing briefs are timely filed, the hearing 23253  
examiner receives the briefs. 23254

(e) A copy of the written report and recommendation of the 23255  
hearing examiner shall be sent, by certified mail, to the licensee 23256  
and the licensee's attorney, if applicable, not later than five 23257  
days after the report is filed. 23258

(f) Not later than five days after the hearing examiner files 23259  
the report and recommendations, the licensee may file objections 23260  
to the report and recommendations. 23261

(g) Not later than fifteen days after the hearing examiner 23262  
files the report and recommendations, the director shall issue an 23263  
order approving, modifying, or disapproving the report and 23264  
recommendations. 23265

(h) Notwithstanding the pendency of the hearing, the director 23266  
shall lift the order for the suspension of admissions when the 23267  
director determines that the violation that formed the basis for 23268  
the order has been corrected. 23269

(G) Neither a person or government agency whose application 23270  
for a license to operate a residential facility is denied nor a 23271  
related party of the person or government agency may apply for a 23272  
license to operate a residential facility before the date that is 23273  
one year after the date of the denial. Neither a licensee whose 23274  
residential facility license is revoked nor a related party of the 23275  
licensee may apply for a residential facility license before the 23276  
date that is five years after the date of the revocation. 23277

(H) In accordance with Chapter 119. of the Revised Code, the 23278  
director shall adopt and may amend and rescind rules for licensing 23279  
and regulating the operation of residential facilities. The rules 23280  
for residential facilities that are ICFs/IID may differ from those 23281  
for other residential facilities. The rules shall establish and 23282



specify the following:	23283
(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;	23284 23285 23286 23287
(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;	23288 23289 23290 23291
(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;	23292 23293 23294
(4) Procedures for surveying residential facilities;	23295
(5) Requirements for the training of residential facility personnel;	23296 23297
(6) Classifications for the various types of residential facilities;	23298 23299
(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 or manage residential facilities;	23300 23301 23302 23303
(8) The maximum number of persons who may be served in a particular type of residential facility;	23304 23305
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	23306 23307
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	23308 23309
(11) Procedures for waiving any provision of any rule adopted under this section.	23310 23311

(I)(1) Before issuing a license, the director ~~of the~~ 23312  
~~department or the director's designee~~ shall conduct a survey of 23313  
the residential facility for which application is made. The 23314  
director ~~or the director's designee~~ shall conduct a survey of each 23315  
licensed residential facility at least once during the period the 23316  
license is valid and may conduct additional inspections as needed. 23317  
A survey includes but is not limited to an on-site examination and 23318  
evaluation of the residential facility, its personnel, and the 23319  
services provided there. The director may assign to a county board 23320  
of developmental disabilities the responsibility to conduct any 23321  
survey or inspection under this section. 23322

(2) In conducting surveys, the director ~~or the director's~~ 23323  
~~designee~~ shall be given access to the residential facility; all 23324  
records, accounts, and any other documents related to the 23325  
operation of the facility; the licensee; the residents of the 23326  
facility; and all persons acting on behalf of, under the control 23327  
of, or in connection with the licensee. The licensee and all 23328  
persons on behalf of, under the control of, or in connection with 23329  
the licensee shall cooperate with the director ~~or the director's~~ 23330  
~~designee~~ in conducting the survey. 23331

(3) Following each survey, ~~unless the director initiates a~~ 23332  
~~license revocation proceeding,~~ the director ~~or the director's~~ 23333  
~~designee~~ shall provide the licensee with a report listing the date 23334  
of the survey, any deficiencies, specifying citations issued as a 23335  
result of the survey, and the statutes or rules that purportedly 23336  
have been violated and are the bases of the citations. The 23337  
director shall also do both of the following: 23338

(a) Specify a date by which the licensee may appeal any of 23339  
the citations; 23340

(b) When appropriate, specify a timetable within which the 23341  
licensee ~~shall~~ must submit a plan of correction describing how the 23342  
~~deficiencies~~ problems specified in the citations will be 23343

~~corrected, and, when appropriate, specifying a timetable within~~ 23344  
~~the date by which the licensee must correct~~ anticipates the 23345  
~~deficiencies~~ problems will be corrected. After 23346

23347

(4) If the director initiates a proceeding to revoke a 23348  
license, the director shall include the report required by 23349  
division (I)(3) of this section with the notice of the proposed 23350  
revocation the director sends to the licensee. In this 23351  
circumstance, the licensee may not submit a plan of correction. 23352

(5) After a plan of correction is submitted, the director or 23353  
~~the director's designee~~ shall approve or disapprove the plan. A If 23354  
the plan of correction is approved, a copy of the report and any 23355  
approved plan of correction shall be provided, not later than five 23356  
business days after it is approved, to any person or government 23357  
entity who requests it and made available on the internet web site 23358  
maintained by the department of developmental disabilities. If the 23359  
plan of correction is not approved and the director initiates a 23360  
proceeding to revoke the license, a copy of the survey report 23361  
shall be provided to any person or government entity that requests 23362  
it and shall be made available on the internet web site maintained 23363  
by the department. 23364

(6) The director shall initiate disciplinary action against 23365  
any department employee who notifies or causes the notification to 23366  
any unauthorized person of an unannounced survey of a residential 23367  
facility by an authorized representative of the department. 23368

(J) In addition to any other information which may be 23369  
required of applicants for a license pursuant to this section, the 23370  
director shall require each applicant to provide a copy of an 23371  
approved plan for a proposed residential facility pursuant to 23372  
section 5123.042 of the Revised Code. This division does not apply 23373  
to renewal of a license or to an applicant for an initial or 23374

modified license who meets the requirements of section 5123.197 of 23375  
the Revised Code. 23376

(K) A licensee shall notify the owner of the building in 23377  
which the licensee's residential facility is located of any 23378  
significant change in the identity of the licensee or management 23379  
contractor before the effective date of the change if the licensee 23380  
is not the owner of the building. 23381

Pursuant to rules which shall be adopted in accordance with 23382  
Chapter 119. of the Revised Code, the director may require 23383  
notification to the department of any significant change in the 23384  
ownership of a residential facility or in the identity of the 23385  
licensee or management contractor. If the director determines that 23386  
a significant change of ownership is proposed, the director shall 23387  
consider the proposed change to be an application for development 23388  
by a new operator pursuant to section 5123.042 of the Revised Code 23389  
and shall advise the applicant within sixty days of the 23390  
notification that the current license shall continue in effect or 23391  
a new license will be required pursuant to this section. If the 23392  
director requires a new license, the director shall permit the 23393  
facility to continue to operate under the current license until 23394  
the new license is issued, unless the current license is revoked, 23395  
refused to be renewed, or terminated in accordance with Chapter 23396  
119. of the Revised Code. 23397

(L) A county board of developmental disabilities and any 23398  
interested person may file complaints alleging violations of 23399  
statute or department rule relating to residential facilities with 23400  
the department. All complaints shall be in writing and shall state 23401  
the facts constituting the basis of the allegation. The department 23402  
shall not reveal the source of any complaint unless the 23403  
complainant agrees in writing to waive the right to 23404  
confidentiality or until so ordered by a court of competent 23405  
jurisdiction. 23406

The department shall adopt rules in accordance with Chapter 23407  
119. of the Revised Code establishing procedures for the receipt, 23408  
referral, investigation, and disposition of complaints filed with 23409  
the department under this division. 23410

(M) The department shall establish procedures for the 23411  
notification of interested parties of the transfer or interim care 23412  
of residents from residential facilities that are closing or are 23413  
losing their license. 23414

(N) Before issuing a license under this section to a 23415  
residential facility that will accommodate at any time more than 23416  
one mentally retarded or developmentally disabled individual, the 23417  
director shall, by first class mail, notify the following: 23418

(1) If the facility will be located in a municipal 23419  
corporation, the clerk of the legislative authority of the 23420  
municipal corporation; 23421

(2) If the facility will be located in unincorporated 23422  
territory, the clerk of the appropriate board of county 23423  
commissioners and the fiscal officer of the appropriate board of 23424  
township trustees. 23425

The director shall not issue the license for ten days after 23426  
mailing the notice, excluding Saturdays, Sundays, and legal 23427  
holidays, in order to give the notified local officials time in 23428  
which to comment on the proposed issuance. 23429

Any legislative authority of a municipal corporation, board 23430  
of county commissioners, or board of township trustees that 23431  
receives notice under this division of the proposed issuance of a 23432  
license for a residential facility may comment on it in writing to 23433  
the director within ten days after the director mailed the notice, 23434  
excluding Saturdays, Sundays, and legal holidays. If the director 23435  
receives written comments from any notified officials within the 23436  
specified time, the director shall make written findings 23437

concerning the comments and the director's decision on the 23438  
issuance of the license. If the director does not receive written 23439  
comments from any notified local officials within the specified 23440  
time, the director shall continue the process for issuance of the 23441  
license. 23442

(O) Any person may operate a licensed residential facility 23443  
that provides room and board, personal care, habilitation 23444  
services, and supervision in a family setting for at least six but 23445  
not more than eight persons with mental retardation or a 23446  
developmental disability as a permitted use in any residential 23447  
district or zone, including any single-family residential district 23448  
or zone, of any political subdivision. These residential 23449  
facilities may be required to comply with area, height, yard, and 23450  
architectural compatibility requirements that are uniformly 23451  
imposed upon all single-family residences within the district or 23452  
zone. 23453

(P) Any person may operate a licensed residential facility 23454  
that provides room and board, personal care, habilitation 23455  
services, and supervision in a family setting for at least nine 23456  
but not more than sixteen persons with mental retardation or a 23457  
developmental disability as a permitted use in any multiple-family 23458  
residential district or zone of any political subdivision, except 23459  
that a political subdivision that has enacted a zoning ordinance 23460  
or resolution establishing planned unit development districts may 23461  
exclude these residential facilities from those districts, and a 23462  
political subdivision that has enacted a zoning ordinance or 23463  
resolution may regulate these residential facilities in 23464  
multiple-family residential districts or zones as a conditionally 23465  
permitted use or special exception, in either case, under 23466  
reasonable and specific standards and conditions set out in the 23467  
zoning ordinance or resolution to: 23468

(1) Require the architectural design and site layout of the 23469

residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood; 23470  
23471  
23472

(2) Require compliance with yard, parking, and sign regulation; 23473  
23474

(3) Limit excessive concentration of these residential facilities. 23475  
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(Q) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations. 23477  
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(R) Divisions (O) and (P) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification. 23481  
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(S)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case: 23487  
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23489

(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license. 23490  
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(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 23496  
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(2) To be eligible to receive an interim license, an 23499

applicant must meet the same criteria that must be met to receive 23500  
a permanent license under this section, except for any differing 23501  
procedures and time frames that may apply to issuance of a 23502  
permanent license. 23503

(3) An interim license shall be valid for thirty days and may 23504  
be renewed by the director for a period not to exceed one hundred 23505  
fifty days. 23506

(4) The director shall adopt rules in accordance with Chapter 23507  
119. of the Revised Code as the director considers necessary to 23508  
administer the issuance of interim licenses. 23509

(T) Notwithstanding rules adopted pursuant to this section 23510  
establishing the maximum number of persons who may be served in a 23511  
particular type of residential facility, a residential facility 23512  
shall be permitted to serve the same number of persons being 23513  
served by the facility on the effective date of the rules or the 23514  
number of persons for which the facility is authorized pursuant to 23515  
a current application for a certificate of need with a letter of 23516  
support from the department of developmental disabilities and 23517  
which is in the review process prior to April 4, 1986. 23518

(U) The director ~~or the director's designee~~ may enter at any 23519  
time, for purposes of investigation, any home, facility, or other 23520  
structure that has been reported to the director or that the 23521  
director has reasonable cause to believe is being operated as a 23522  
residential facility without a license issued under this section. 23523

The director may petition the court of common pleas of the 23524  
county in which an unlicensed residential facility is located for 23525  
an order enjoining the person or governmental agency operating the 23526  
facility from continuing to operate without a license. The court 23527  
may grant the injunction on a showing that the person or 23528  
governmental agency named in the petition is operating a 23529  
residential facility without a license. The court may grant the 23530



injunction, regardless of whether the residential facility meets 23531  
the requirements for receiving a license under this section. 23532

**Sec. 5123.191.** (A) The court of common pleas or a judge 23533  
thereof in the judge's county, or the probate court, may appoint a 23534  
receiver to take possession of and operate a residential facility 23535  
licensed by the department of developmental disabilities, in 23536  
causes pending in such courts respectively, when conditions 23537  
existing at the facility present a substantial risk of physical or 23538  
mental harm to residents and no other remedies at law are adequate 23539  
to protect the health, safety, and welfare of the residents. 23540  
Conditions at the facility that may present such risk of harm 23541  
include, but are not limited to, instances when any of the 23542  
following occur: 23543

(1) The residential facility is in violation of state or 23544  
federal law or regulations. 23545

(2) The facility has had its license revoked or procedures 23546  
for revocation have been initiated, or the facility is closing or 23547  
intends to cease operations. 23548

(3) Arrangements for relocating residents need to be made. 23549

(4) Insolvency of the operator, licensee, or landowner 23550  
threatens the operation of the facility. 23551

(5) The facility or operator has demonstrated a pattern and 23552  
practice of repeated violations of state or federal laws or 23553  
regulations. 23554

(B) A court in which a petition is filed pursuant to this 23555  
section shall notify the person holding the license for the 23556  
facility and the department of developmental disabilities of the 23557  
filing. The court shall order the department to notify the 23558  
facility owner, facility operator, county board of developmental 23559  
disabilities, facility residents, and residents' parents and 23560

guardians of the filing of the petition. 23561

The court shall provide a hearing on the petition within five 23562  
court days of the time it was filed, except that the court may 23563  
appoint a receiver prior to that time if it determines that the 23564  
circumstances necessitate such action. Following a hearing on the 23565  
petition, and upon a determination that the appointment of a 23566  
receiver is warranted, the court shall appoint a receiver and 23567  
notify the department of developmental disabilities and 23568  
appropriate persons of this action. 23569

(C) A residential facility for which a receiver has been 23570  
named is deemed to be in compliance with section 5123.19 and 23571  
Chapter 3721. of the Revised Code for the duration of the 23572  
receivership. 23573

(D) When the operating revenue of a residential facility in 23574  
receivership is insufficient to meet its operating expenses, 23575  
including the cost of bringing the facility into compliance with 23576  
state or federal laws or regulations, the court may order the 23577  
state to provide necessary funding, except as provided in division 23578  
(K) of this section. The state shall provide such funding, subject 23579  
to the approval of the controlling board. The court may also order 23580  
the appropriate authorities to expedite all inspections necessary 23581  
for the issuance of licenses or the certification of a facility, 23582  
and order a facility to be closed if it determines that reasonable 23583  
efforts cannot bring the facility into substantial compliance with 23584  
the law. 23585

(E) In establishing a receivership, the court shall set forth 23586  
the powers and duties of the receiver. The court may generally 23587  
authorize the receiver to do all that is prudent and necessary to 23588  
safely and efficiently operate the residential facility within the 23589  
requirements of state and federal law, but shall require the 23590  
receiver to obtain court approval prior to making any single 23591  
expenditure of more than five thousand dollars to correct 23592

deficiencies in the structure or furnishings of a facility. The 23593  
court shall closely review the conduct of the receiver it has 23594  
appointed and shall require regular and detailed reports. The 23595  
receivership shall be reviewed at least every sixty days. 23596

(F) A receivership established pursuant to this section shall 23597  
be terminated, following notification of the appropriate parties 23598  
and a hearing, if the court determines either of the following: 23599

(1) The residential facility has been closed and the former 23600  
residents have been relocated to an appropriate facility. 23601

(2) Circumstances no longer exist at the facility that 23602  
present a substantial risk of physical or mental harm to 23603  
residents, and there is no deficiency in the facility that is 23604  
likely to create a future risk of harm. 23605

Notwithstanding division (F)(2) of this section, the court 23606  
shall not terminate a receivership for a residential facility that 23607  
has previously operated under another receivership unless the 23608  
responsibility for the operation of the facility is transferred to 23609  
an operator approved by the court and the department of 23610  
developmental disabilities. 23611

(G) The department of developmental disabilities may, upon 23612  
its own initiative or at the request of an owner, operator, or 23613  
resident of a residential facility, or at the request of a 23614  
resident's guardian or relative or a county board of developmental 23615  
disabilities, petition the court to appoint a receiver to take 23616  
possession of and operate a residential facility. When the 23617  
department has been requested to file a petition by any of the 23618  
parties listed above, it shall, within forty-eight hours of such 23619  
request, either file such a petition or notify the requesting 23620  
party of its decision not to file. If the department refuses to 23621  
file, the requesting party may file a petition with the court 23622  
requesting the appointment of a receiver to take possession of and 23623

operate a residential facility. 23624

Petitions filed pursuant to this division shall include the 23625  
following: 23626

(1) A description of the specific conditions existing at the 23627  
facility which present a substantial risk of physical or mental 23628  
harm to residents; 23629

(2) A statement of the absence of other adequate remedies at 23630  
law; 23631

(3) The number of individuals residing at the facility; 23632

(4) A statement that the facts have been brought to the 23633  
attention of the owner or licensee and that conditions have not 23634  
been remedied within a reasonable period of time or that the 23635  
conditions, though remedied periodically, habitually exist at the 23636  
facility as a pattern or practice; 23637

(5) The name and address of the person holding the license 23638  
for the facility and the address of the department of 23639  
developmental disabilities. 23640

The court may award to an operator appropriate costs and 23641  
expenses, including reasonable attorney's fees, if it determines 23642  
that a petitioner has initiated a proceeding in bad faith or 23643  
merely for the purpose of harassing or embarrassing the operator. 23644

(H) Except for the department of developmental disabilities 23645  
or a county board of developmental disabilities, no party or 23646  
person interested in an action shall be appointed a receiver 23647  
pursuant to this section. 23648

To assist the court in identifying persons qualified to be 23649  
named as receivers, the director of developmental disabilities ~~or~~ 23650  
~~the director's designee~~ shall maintain a list of the names of such 23651  
persons. The director shall, in accordance with Chapter 119. of 23652  
the Revised Code, establish standards for evaluating persons 23653

desiring to be included on such a list. 23654

(I) Before a receiver enters upon the duties of that person, 23655  
the receiver must be sworn to perform the duties of receiver 23656  
faithfully, and, with surety approved by the court, judge, or 23657  
clerk, execute a bond to such person, and in such sum as the court 23658  
or judge directs, to the effect that such receiver will faithfully 23659  
discharge the duties of receiver in the action, and obey the 23660  
orders of the court therein. 23661

(J) Under the control of the appointing court, a receiver may 23662  
bring and defend actions in the receiver's own name as receiver 23663  
and take and keep possession of property. 23664

The court shall authorize the receiver to do the following: 23665

(1) Collect payment for all goods and services provided to 23666  
the residents or others during the period of the receivership at 23667  
the same rate as was charged by the licensee at the time the 23668  
petition for receivership was filed, unless a different rate is 23669  
set by the court; 23670

(2) Honor all leases, mortgages, and secured transactions 23671  
governing all buildings, goods, and fixtures of which the receiver 23672  
has taken possession and continues to use, subject to the 23673  
following conditions: 23674

(a) In the case of a rental agreement, only to the extent of 23675  
payments that are for the use of the property during the period of 23676  
the receivership; 23677

(b) In the case of a purchase agreement only to the extent of 23678  
payments that come due during the period of the receivership. 23679

(3) If transfer of residents is necessary, provide for the 23680  
orderly transfer of residents by doing the following: 23681

(a) Cooperating with all appropriate state and local agencies 23682  
in carrying out the transfer of residents to alternative community 23683

placements;	23684
(b) Providing for the transportation of residents' belongings and records;	23685 23686
(c) Helping to locate alternative placements and develop discharge plans;	23687 23688
(d) Preparing residents for the trauma of discharge;	23689
(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary.	23690 23691 23692
(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents;	23693 23694 23695
(5) Compromise demands or claims;	23696
(6) Generally do such acts respecting the residential facility as the court authorizes.	23697 23698
(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed.	23699 23700 23701
(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid.	23702 23703 23704 23705 23706 23707
(M) The department of developmental disabilities, the department of job and family services, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section.	23708 23709 23710 23711
<b>Sec. 5123.21.</b> The director of developmental disabilities <del>or</del>	23712

~~the director's designee~~ may transfer or authorize the transfer of 23713  
an involuntary resident or a consenting voluntary resident from 23714  
one public institution to another or to an institution other than 23715  
a public institution or other facility, if the director determines 23716  
that it would be consistent with the habilitation needs of the 23717  
resident to do so. 23718

Before an involuntary resident may be transferred to a more 23719  
restrictive setting, the managing officer of the institution shall 23720  
file a motion with the court requesting the court to amend its 23721  
order of placement issued under section 5123.76 of the Revised 23722  
Code. At the resident's request, the court shall hold a hearing on 23723  
the motion at which the resident has the same rights as at a full 23724  
hearing under section 5123.76 of the Revised Code. 23725

Whenever a resident is transferred, the director shall give 23726  
written notice of the transfer to the resident's legal guardian, 23727  
parents, spouse, and counsel, or, if none is known, to the 23728  
resident's nearest known relative or friend. If the resident is a 23729  
minor, the ~~department~~ director before making such a transfer shall 23730  
make a minute of the order for the transfer and the reason for it 23731  
upon its record and shall send a certified copy at least seven 23732  
days prior to the transfer to the person shown by its record to 23733  
have had the care or custody of the minor immediately prior to the 23734  
minor's commitment. Whenever a consenting voluntary resident is 23735  
transferred, the notification shall be given only at the 23736  
resident's request. The managing officer shall advise a voluntary 23737  
resident who is being transferred that the patient may decide if 23738  
such a notification shall be given. In all such transfers, due 23739  
consideration shall be given to the relationship of the resident 23740  
to the resident's family, legal guardian, or friends, so as to 23741  
maintain relationships and encourage visits beneficial to the 23742  
resident. 23743

Sec. 5123.61. (A) As used in this section:	23744
(1) "Law enforcement agency" means the state highway patrol,	23745
the police department of a municipal corporation, or a county	23746
sheriff.	23747
(2) "Abuse" has the same meaning as in section 5123.50 of the	23748
Revised Code, except that it includes a misappropriation, as	23749
defined in that section.	23750
(3) "Neglect" has the same meaning as in section 5123.50 of	23751
the Revised Code.	23752
(B) The department of developmental disabilities shall	23753
establish a registry office for the purpose of maintaining reports	23754
of abuse, neglect, and other major unusual incidents made to the	23755
department under this section and reports received from county	23756
boards of developmental disabilities under section 5126.31 of the	23757
Revised Code. The department shall establish committees to review	23758
reports of abuse, neglect, and other major unusual incidents.	23759
(C)(1) Any person listed in division (C)(2) of this section,	23760
having reason to believe that a person with mental retardation or	23761
a developmental disability has suffered or faces a substantial	23762
risk of suffering any wound, injury, disability, or condition of	23763
such a nature as to reasonably indicate abuse or neglect of that	23764
person, shall immediately report or cause reports to be made of	23765
such information to the entity specified in this division. Except	23766
as provided in section 5120.173 of the Revised Code or as	23767
otherwise provided in this division, the person making the report	23768
shall make it to a law enforcement agency or to the county board	23769
of developmental disabilities. If the report concerns a resident	23770
of a facility operated by the department of developmental	23771
disabilities the report shall be made either to a law enforcement	23772
agency or to the department. If the report concerns any act or	23773
omission of an employee of a county board of developmental	23774



disabilities, the report immediately shall be made to the 23775  
department and to the county board. 23776

(2) All of the following persons are required to make a 23777  
report under division (C)(1) of this section: 23778

(a) Any physician, including a hospital intern or resident, 23779  
any dentist, podiatrist, chiropractor, practitioner of a limited 23780  
branch of medicine as specified in section 4731.15 of the Revised 23781  
Code, hospital administrator or employee of a hospital, nurse 23782  
licensed under Chapter 4723. of the Revised Code, employee of an 23783  
ambulatory health facility as defined in section 5101.61 of the 23784  
Revised Code, employee of a home health agency, employee of a 23785  
residential facility licensed under section 5119.34 of the Revised 23786  
Code that provides accommodations, supervision, and person care 23787  
services for three to sixteen unrelated adults, or employee of a 23788  
community mental health facility; 23789

(b) Any school teacher or school authority, social worker, 23790  
psychologist, attorney, peace officer, coroner, or residents' 23791  
rights advocate as defined in section 3721.10 of the Revised Code; 23792

(c) A superintendent, board member, or employee of a county 23793  
board of developmental disabilities; an administrator, board 23794  
member, or employee of a residential facility licensed under 23795  
section 5123.19 of the Revised Code; an administrator, board 23796  
member, or employee of any other public or private provider of 23797  
services to a person with mental retardation or a developmental 23798  
disability, or any MR/DD employee, as defined in section 5123.50 23799  
of the Revised Code; 23800

(d) A member of a citizen's advisory council established at 23801  
an institution or branch institution of the department of 23802  
developmental disabilities under section 5123.092 of the Revised 23803  
Code; 23804

(e) A member of the clergy who is employed in a position that 23805

includes providing specialized services to an individual with 23806  
mental retardation or another developmental disability, while 23807  
acting in an official or professional capacity in that position, 23808  
or a person who is employed in a position that includes providing 23809  
specialized services to an individual with mental retardation or 23810  
another developmental disability and who, while acting in an 23811  
official or professional capacity, renders spiritual treatment 23812  
through prayer in accordance with the tenets of an organized 23813  
religion. 23814

(3)(a) The reporting requirements of this division do not 23815  
apply to employees of the Ohio protection and advocacy system. 23816

(b) An attorney or physician is not required to make a report 23817  
pursuant to division (C)(1) of this section concerning any 23818  
communication the attorney or physician receives from a client or 23819  
patient in an attorney-client or physician-patient relationship, 23820  
if, in accordance with division (A) or (B) of section 2317.02 of 23821  
the Revised Code, the attorney or physician could not testify with 23822  
respect to that communication in a civil or criminal proceeding, 23823  
except that the client or patient is deemed to have waived any 23824  
testimonial privilege under division (A) or (B) of section 2317.02 23825  
of the Revised Code with respect to that communication and the 23826  
attorney or physician shall make a report pursuant to division 23827  
(C)(1) of this section, if both of the following apply: 23828

(i) The client or patient, at the time of the communication, 23829  
is a person with mental retardation or a developmental disability. 23830

(ii) The attorney or physician knows or suspects, as a result 23831  
of the communication or any observations made during that 23832  
communication, that the client or patient has suffered or faces a 23833  
substantial risk of suffering any wound, injury, disability, or 23834  
condition of a nature that reasonably indicates abuse or neglect 23835  
of the client or patient. 23836

(4) Any person who fails to make a report required under 23837  
division (C) of this section and who is an MR/DD employee, as 23838  
defined in section 5123.50 of the Revised Code, shall be eligible 23839  
to be included in the registry regarding misappropriation, abuse, 23840  
neglect, or other specified misconduct by MR/DD employees 23841  
established under section 5123.52 of the Revised Code. 23842

(D) The reports required under division (C) of this section 23843  
shall be made forthwith by telephone or in person and shall be 23844  
followed by a written report. The reports shall contain the 23845  
following: 23846

(1) The names and addresses of the person with mental 23847  
retardation or a developmental disability and the person's 23848  
custodian, if known; 23849

(2) The age of the person with mental retardation or a 23850  
developmental disability; 23851

(3) Any other information that would assist in the 23852  
investigation of the report. 23853

(E) When a physician performing services as a member of the 23854  
staff of a hospital or similar institution has reason to believe 23855  
that a person with mental retardation or a developmental 23856  
disability has suffered injury, abuse, or physical neglect, the 23857  
physician shall notify the person in charge of the institution or 23858  
that person's designated delegate, who shall make the necessary 23859  
reports. 23860

(F) Any person having reasonable cause to believe that a 23861  
person with mental retardation or a developmental disability has 23862  
suffered or faces a substantial risk of suffering abuse or neglect 23863  
may report or cause a report to be made of that belief to the 23864  
entity specified in this division. Except as provided in section 23865  
5120.173 of the Revised Code or as otherwise provided in this 23866  
division, the person making the report shall make it to a law 23867

enforcement agency or the county board of developmental 23868  
disabilities. If the person is a resident of a facility operated 23869  
by the department of developmental disabilities, the report shall 23870  
be made to a law enforcement agency or to the department. If the 23871  
report concerns any act or omission of an employee of a county 23872  
board of developmental disabilities, the report immediately shall 23873  
be made to the department and to the county board. 23874

(G)(1) Upon the receipt of a report concerning the possible 23875  
abuse or neglect of a person with mental retardation or a 23876  
developmental disability, the law enforcement agency shall inform 23877  
the county board of developmental disabilities or, if the person 23878  
is a resident of a facility operated by the department of 23879  
developmental disabilities, the ~~director of the~~ department ~~or the~~  
~~director's designee.~~ 23880  
23881

(2) On receipt of a report under this section that includes 23882  
an allegation of action or inaction that may constitute a crime 23883  
under federal law or the law of this state, the department of 23884  
developmental disabilities shall notify the law enforcement 23885  
agency. 23886

(3) When a county board of developmental disabilities 23887  
receives a report under this section that includes an allegation 23888  
of action or inaction that may constitute a crime under federal 23889  
law or the law of this state, the superintendent of the board or 23890  
an individual the superintendent designates under division (H) of 23891  
this section shall notify the law enforcement agency. The 23892  
superintendent or individual shall notify the department of 23893  
developmental disabilities when it receives any report under this 23894  
section. 23895

(4) When a county board of developmental disabilities 23896  
receives a report under this section and believes that the degree 23897  
of risk to the person is such that the report is an emergency, the 23898  
superintendent of the board or an employee of the board the 23899

superintendent designates shall attempt a face-to-face contact 23900  
with the person with mental retardation or a developmental 23901  
disability who allegedly is the victim within one hour of the 23902  
board's receipt of the report. 23903

(H) The superintendent of the board may designate an 23904  
individual to be responsible for notifying the law enforcement 23905  
agency and the department when the county board receives a report 23906  
under this section. 23907

(I) An adult with mental retardation or a developmental 23908  
disability about whom a report is made may be removed from the 23909  
adult's place of residence only by law enforcement officers who 23910  
consider that the adult's immediate removal is essential to 23911  
protect the adult from further injury or abuse or in accordance 23912  
with the order of a court made pursuant to section 5126.33 of the 23913  
Revised Code. 23914

(J) A law enforcement agency shall investigate each report of 23915  
abuse or neglect it receives under this section. In addition, the 23916  
department, in cooperation with law enforcement officials, shall 23917  
investigate each report regarding a resident of a facility 23918  
operated by the department to determine the circumstances 23919  
surrounding the injury, the cause of the injury, and the person 23920  
responsible. The investigation shall be in accordance with the 23921  
memorandum of understanding prepared under section 5126.058 of the 23922  
Revised Code. The department shall determine, with the registry 23923  
office which shall be maintained by the department, whether prior 23924  
reports have been made concerning an adult with mental retardation 23925  
or a developmental disability or other principals in the case. If 23926  
the department finds that the report involves action or inaction 23927  
that may constitute a crime under federal law or the law of this 23928  
state, it shall submit a report of its investigation, in writing, 23929  
to the law enforcement agency. If the person with mental 23930  
retardation or a developmental disability is an adult, with the 23931

consent of the adult, the department shall provide such protective 23932  
services as are necessary to protect the adult. The law 23933  
enforcement agency shall make a written report of its findings to 23934  
the department. 23935

If the person is an adult and is not a resident of a facility 23936  
operated by the department, the county board of developmental 23937  
disabilities shall review the report of abuse or neglect in 23938  
accordance with sections 5126.30 to 5126.33 of the Revised Code 23939  
and the law enforcement agency shall make the written report of 23940  
its findings to the county board. 23941

(K) Any person or any hospital, institution, school, health 23942  
department, or agency participating in the making of reports 23943  
pursuant to this section, any person participating as a witness in 23944  
an administrative or judicial proceeding resulting from the 23945  
reports, or any person or governmental entity that discharges 23946  
responsibilities under sections 5126.31 to 5126.33 of the Revised 23947  
Code shall be immune from any civil or criminal liability that 23948  
might otherwise be incurred or imposed as a result of such actions 23949  
except liability for perjury, unless the person or governmental 23950  
entity has acted in bad faith or with malicious purpose. 23951

(L) No employer or any person with the authority to do so 23952  
shall discharge, demote, transfer, prepare a negative work 23953  
performance evaluation, reduce pay or benefits, terminate work 23954  
privileges, or take any other action detrimental to an employee or 23955  
retaliate against an employee as a result of the employee's having 23956  
made a report under this section. This division does not preclude 23957  
an employer or person with authority from taking action with 23958  
regard to an employee who has made a report under this section if 23959  
there is another reasonable basis for the action. 23960

(M) Reports made under this section are not public records as 23961  
defined in section 149.43 of the Revised Code. Information 23962  
contained in the reports on request shall be made available to the 23963

person who is the subject of the report, to the person's legal 23964  
counsel, and to agencies authorized to receive information in the 23965  
report by the department or by a county board of developmental 23966  
disabilities. 23967

(N) Notwithstanding section 4731.22 of the Revised Code, the 23968  
physician-patient privilege shall not be a ground for excluding 23969  
evidence regarding the injuries or physical neglect of a person 23970  
with mental retardation or a developmental disability or the cause 23971  
thereof in any judicial proceeding resulting from a report 23972  
submitted pursuant to this section. 23973

**Sec. 5123.75.** A respondent who is involuntarily placed in an 23974  
institution or other place as designated in section 5123.77 of the 23975  
Revised Code or with respect to whom proceedings have been 23976  
instituted under section 5123.71 of the Revised Code shall, on 23977  
request of the respondent, the respondent's guardian, or the 23978  
respondent's counsel, or upon the court's own motion, be afforded 23979  
a hearing to determine whether there is probable cause to believe 23980  
that the respondent is a mentally retarded person subject to 23981  
institutionalization by court order. 23982

(A) The probable cause hearing shall be conducted within two 23983  
court days from the day on which the request is made. Failure to 23984  
conduct the probable cause hearing within this time shall effect 23985  
an immediate discharge of the respondent. If the proceedings are 23986  
not reinstated within thirty days, records of the proceedings 23987  
shall be expunged. 23988

(B) The respondent shall be informed that the respondent may 23989  
retain counsel and have independent expert evaluation and, if the 23990  
respondent is an indigent person, be represented by court 23991  
appointed counsel and have independent expert evaluation at court 23992  
expense. 23993

(C) The probable cause hearing shall be conducted in a manner 23994

consistent with the procedures set forth in division (A) of 23995  
section 5123.76 of the Revised Code, except divisions (A)(10) and 23996  
(14) of that section, and the designee of the director of 23997  
developmental disabilities under section 5123.72 of the Revised 23998  
Code shall present evidence for the state. 23999

(D) If the court does not find probable cause to believe that 24000  
the respondent is a mentally retarded person subject to 24001  
institutionalization by court order, it shall order immediate 24002  
release of the respondent and dismiss and expunge all record of 24003  
the proceedings under this chapter. 24004

(E) On motion of the respondent or the respondent's counsel 24005  
and for good cause shown, the court may order a continuance of the 24006  
hearing. 24007

(F) If the court finds probable cause to believe that the 24008  
respondent is a mentally retarded person subject to 24009  
institutionalization by court order, the court may issue an 24010  
interim order of placement and, where proceedings under section 24011  
5123.71 of the Revised Code have been instituted, shall order a 24012  
full hearing as provided in section 5123.76 of the Revised Code to 24013  
be held on the question of whether the respondent is a mentally 24014  
retarded person subject to institutionalization by court order. 24015  
Unless specifically waived by the respondent or the respondent's 24016  
counsel, the court shall schedule said hearing to be held as soon 24017  
as possible within ten days from the probable cause hearing. A 24018  
waiver of such full hearing at this point shall not preclude the 24019  
respondent from asserting the respondent's right to such hearing 24020  
under section 5123.76 of the Revised Code at any time prior to the 24021  
mandatory hearing provided in division (H) of section 5123.76 of 24022  
the Revised Code. In any case, if the respondent has waived the 24023  
right to the full hearing, a mandatory hearing shall be held under 24024  
division (H) of section 5123.76 of the Revised Code between the 24025  
ninetieth and the one hundredth day after the original involuntary 24026



detention of the person unless the respondent has been discharged.	24027
(G) Whenever possible, the probable cause hearing shall be held before the respondent is taken into custody.	24028 24029
<b>Sec. 5123.76.</b> (A) The full hearing shall be conducted in a manner consistent with the procedures outlined in this chapter and with due process of law. The hearing shall be held by a judge of the probate division or, upon transfer by the judge of the probate division, by another judge of the court of common pleas, or a referee designated by the judge of the probate division. Any referee designated by the judge of the probate division must be an attorney.	24030 24031 24032 24033 24034 24035 24036 24037
(1) The following shall be made available to counsel for the respondent:	24038 24039
(a) All relevant documents, information, and evidence in the custody or control of the state or prosecutor;	24040 24041
(b) All relevant documents, information, and evidence in the custody or control of the institution, facility, or program in which the respondent currently is held or in which the respondent has been held pursuant to these proceedings;	24042 24043 24044 24045
(c) With the consent of the respondent, all relevant documents, information, and evidence in the custody or control of any institution or person other than the state.	24046 24047 24048
(2) The respondent has the right to be represented by counsel of the respondent's choice and has the right to attend the hearing except if unusual circumstances of compelling medical necessity exist that render the respondent unable to attend and the respondent has not expressed a desire to attend.	24049 24050 24051 24052 24053
(3) If the respondent is not represented by counsel and the court determines that the conditions specified in division (A)(2) of this section justify the respondent's absence and the right to	24054 24055 24056

counsel has not been validly waived, the court shall appoint 24057  
counsel forthwith to represent the respondent at the hearing, 24058  
reserving the right to tax costs of appointed counsel to the 24059  
respondent unless it is shown that the respondent is indigent. If 24060  
the court appoints counsel, or if the court determines that the 24061  
evidence relevant to the respondent's absence does not justify the 24062  
absence, the court shall continue the case. 24063

(4) The respondent shall be informed of the right to retain 24064  
counsel, to have independent expert evaluation, and, if an 24065  
indigent person, to be represented by court appointed counsel and 24066  
have expert independent evaluation at court expense. 24067

(5) The hearing may be closed to the public unless counsel 24068  
for the respondent requests that the hearing be open to the 24069  
public. 24070

(6) Unless objected to by the respondent, the respondent's 24071  
counsel, or the designee of the director of developmental 24072  
disabilities under section 5123.72 of the Revised Code, the court, 24073  
for good cause shown, may admit persons having a legitimate 24074  
interest in the proceedings. 24075

(7) The affiant under section 5123.71 of the Revised Code 24076  
shall be subject to subpoena by either party. 24077

(8) The court shall examine the sufficiency of all documents 24078  
filed and shall inform the respondent, if present, and the 24079  
respondent's counsel of the nature of the content of the documents 24080  
and the reason for which the respondent is being held or for which 24081  
the respondent's placement is being sought. 24082

(9) The court shall receive only relevant, competent, and 24083  
material evidence. 24084

(10) ~~The~~ In accordance with section 5123.72 of the Revised 24085  
Code, the designee of the director shall present the evidence for 24086  
the state. In proceedings under this chapter, the attorney general 24087

shall present the comprehensive evaluation, assessment, diagnosis, 24088  
prognosis, record of habilitation and care, if any, and less 24089  
restrictive habilitation plans, if any. The attorney general does 24090  
not have a similar presentation responsibility in connection with 24091  
a person who has been found not guilty by reason of insanity and 24092  
who is the subject of a hearing under section 2945.40 of the 24093  
Revised Code to determine whether the person is a mentally 24094  
retarded person subject to institutionalization by court order. 24095

(11) The respondent has the right to testify and the 24096  
respondent or the respondent's counsel has the right to subpoena 24097  
witnesses and documents and to present and cross-examine 24098  
witnesses. 24099

(12) The respondent shall not be compelled to testify and 24100  
shall be so advised by the court. 24101

(13) On motion of the respondent or the respondent's counsel 24102  
for good cause shown, or upon the court's own motion, the court 24103  
may order a continuance of the hearing. 24104

(14) To an extent not inconsistent with this chapter, the 24105  
Rules of Civil Procedure shall be applicable. 24106

(B) Unless, upon completion of the hearing, the court finds 24107  
by clear and convincing evidence that the respondent named in the 24108  
affidavit is a mentally retarded person subject to 24109  
institutionalization by court order, it shall order the 24110  
respondent's discharge forthwith. 24111

(C) If, upon completion of the hearing, the court finds by 24112  
clear and convincing evidence that the respondent is a mentally 24113  
retarded person subject to institutionalization by court order, 24114  
the court may order the respondent's discharge or order the 24115  
respondent, for a period not to exceed ninety days, to any of the 24116  
following: 24117

(1) A public institution, provided that commitment of the 24118

respondent to the institution will not cause the institution to 24119  
exceed its licensed capacity determined in accordance with section 24120  
5123.19 of the Revised Code and provided that such a placement is 24121  
indicated by the comprehensive evaluation report filed pursuant to 24122  
section 5123.71 of the Revised Code; 24123

(2) A private institution; 24124

(3) A county mental retardation program; 24125

(4) Receive private habilitation and care; 24126

(5) Any other suitable facility, program, or the care of any 24127  
person consistent with the comprehensive evaluation, assessment, 24128  
diagnosis, prognosis, and habilitation needs of the respondent. 24129

(D) Any order made pursuant to division (C)(2), (4), or (5) 24130  
of this section shall be conditional upon the receipt by the court 24131  
of consent by the facility, program, or person to accept the 24132  
respondent. 24133

(E) In determining the place to which, or the person with 24134  
whom, the respondent is to be committed, the court shall consider 24135  
the comprehensive evaluation, assessment, diagnosis, and projected 24136  
habilitation plan for the respondent, and shall order the 24137  
implementation of the least restrictive alternative available and 24138  
consistent with habilitation goals. 24139

(F) If, at any time it is determined by the director of the 24140  
facility or program to which, or the person to whom, the 24141  
respondent is committed that the respondent could be equally well 24142  
habilitated in a less restrictive environment that is available, 24143  
the following shall occur: 24144

(1) The respondent shall be released by the director of the 24145  
facility or program or by the person forthwith and referred to the 24146  
court together with a report of the findings and recommendations 24147  
of the facility, program, or person. 24148

(2) The director of the facility or program or the person shall notify the respondent's counsel and the designee of the director of developmental disabilities.

(3) The court shall dismiss the case or order placement in the less restrictive environment.

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section may apply at any time during the ninety-day period for voluntary admission to an institution under section 5123.69 of the Revised Code. Upon admission of a voluntary resident, the managing officer immediately shall notify the court, the respondent's counsel, and the designee of the director in writing of that fact by mail or otherwise, and, upon receipt of the notice, the court shall dismiss the case.

(2) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not be voluntarily admitted to an institution pursuant to division (G)(1) of this section until after the termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

(H) If, at the end of any commitment period, the respondent has not already been discharged or has not requested voluntary admission status, the director of the facility or program, or the person to whose care the respondent has been committed, shall discharge the respondent forthwith, unless at least ten days before the expiration of that period the designee of the director of developmental disabilities or the prosecutor files an application with the court requesting continued commitment.

(1) An application for continued commitment shall include a written report containing a current comprehensive evaluation and

assessment, a diagnosis, a prognosis, an account of progress and 24180  
past habilitation, and a description of alternative habilitation 24181  
settings and plans, including a habilitation setting that is the 24182  
least restrictive setting consistent with the need for 24183  
habilitation. A copy of the application shall be provided to 24184  
respondent's counsel. The requirements for notice under section 24185  
5123.73 of the Revised Code and the provisions of divisions (A) to 24186  
(E) of this section apply to all hearings on such applications. 24187

(2) A hearing on the first application for continued 24188  
commitment shall be held at the expiration of the first ninety-day 24189  
period. The hearing shall be mandatory and may not be waived. 24190

(3) Subsequent periods of commitment not to exceed one 24191  
hundred eighty days each may be ordered by the court if the 24192  
designee of the director of developmental disabilities files an 24193  
application for continued commitment, after a hearing is held on 24194  
the application or without a hearing if no hearing is requested 24195  
and no hearing required under division (H)(4) of this section is 24196  
waived. Upon the application of a person involuntarily committed 24197  
under this section, supported by an affidavit of a licensed 24198  
physician alleging that the person is no longer a mentally 24199  
retarded person subject to institutionalization by court order, 24200  
the court for good cause shown may hold a full hearing on the 24201  
person's continued commitment prior to the expiration of any 24202  
subsequent period of commitment set by the court. 24203

(4) A mandatory hearing shall be held at least every two 24204  
years after the initial commitment. 24205

(5) If the court, after a hearing upon a request to continue 24206  
commitment, finds that the respondent is a mentally retarded 24207  
person subject to institutionalization by court order, the court 24208  
may make an order pursuant to divisions (C), (D), and (E) of this 24209  
section. 24210

(I) Notwithstanding the provisions of division (H) of this section, no person who is found to be a mentally retarded person subject to institutionalization by court order pursuant to division (O)(2) of section 5123.01 of the Revised Code shall be held under involuntary commitment for more than five years.

(J) The managing officer admitting a person pursuant to a judicial proceeding, within ten working days of the admission, shall make a report of the admission to the department.

**Sec. 5123.89.** (A) As used in this section:

(1) "Family" means a parent, brother, sister, spouse, son, daughter, grandparent, aunt, uncle, or cousin.

(2) "Payment" means activities undertaken by a service provider or government entity to obtain or provide reimbursement for services provided to a person.

(3) "Treatment" means the provision of services to a person, including the coordination or management of services provided to the person.

(B) All certificates, applications, records, and reports made for the purpose of this chapter, other than court journal entries or court docket entries, which directly or indirectly identify a resident or former resident of an institution for the mentally retarded or person whose institutionalization has been sought under this chapter shall be kept confidential and shall not be disclosed by any person except in the following situations:

(1) It is the judgment of the court for judicial records, and the managing officer for institution records, that disclosure is in the best interest of the person identified, and that person or that person's guardian or, if that person is a minor, that person's parent or guardian consents.

(2) Disclosure is provided for in other sections of this

chapter. 24241

(3) It is the judgment of the managing officer for 24242  
institution records that disclosure to a mental health facility is 24243  
in the best interest of the person identified. 24244

(4) Disclosure is of a record deposited with the Ohio 24245  
historical society pursuant to division (C) of section 5123.31 of 24246  
the Revised Code and the disclosure is made to the closest living 24247  
relative of the person identified, on the relative's request. 24248

~~(B)~~(5) Disclosure is needed for the treatment of a person who 24249  
is a resident or former resident of an institution for the 24250  
mentally retarded or a person whose institutionalization has been 24251  
sought under this chapter or is needed for the payment of services 24252  
provided to the person. 24253

(C) The department of developmental disabilities shall adopt 24254  
rules with respect to the systematic and periodic destruction of 24255  
residents' records. 24256

~~(C)~~(1) As used in this division, "family" means a parent, 24257  
brother, sister, spouse, son, daughter, grandparent, aunt, uncle, 24258  
or cousin. 24259

~~(2)~~(D) Upon the death of a resident or former resident of an 24260  
institution for the mentally retarded or a person whose 24261  
institutionalization was sought under this chapter, the managing 24262  
officer of an institution shall provide access to the 24263  
certificates, applications, records, and reports made for the 24264  
purposes of this chapter to the resident's, former resident's, or 24265  
person's guardian if the guardian makes a written request. If a 24266  
deceased resident, former resident, or person whose 24267  
institutionalization was sought under this chapter did not have a 24268  
guardian at the time of death, the managing officer shall provide 24269  
access to the certificates, applications, records, and reports 24270  
made for purposes of this chapter to a member of the person's 24271



family, upon that family member's written request. 24272

~~(D)~~(E) No person shall reveal the contents of a record of a 24273  
resident except as authorized by this chapter. 24274

**Sec. 5124.01.** As used in this chapter: 24275

(A) "Affiliated operator" means an operator affiliated with 24276  
either of the following: 24277

(1) The exiting operator for whom the affiliated operator is 24278  
to assume liability for the entire amount of the exiting 24279  
operator's debt under the medicaid program or the portion of the 24280  
debt that represents the franchise permit fee the exiting operator 24281  
owes; 24282

(2) The entering operator involved in the change of operator 24283  
with the exiting operator specified in division (A)(1) of this 24284  
section. 24285

(B) "Allowable costs" means an ICF/IID's costs that the 24286  
department of developmental disabilities determines are 24287  
reasonable. Fines paid under section 5124.99 of the Revised Code 24288  
are not allowable costs. 24289

(C) "Capital costs" means an ICF/IID's costs of ownership and 24290  
costs of nonextensive renovation. 24291

(D) "Case-mix score" means the measure determined under 24292  
section 5124.192 of the Revised Code of the relative direct-care 24293  
resources needed to provide care and habilitation to an ICF/IID 24294  
resident. 24295

(E) "Change of operator" means an entering operator becoming 24296  
the operator of an ICF/IID in the place of the exiting operator. 24297

(1) Actions that constitute a change of operator include the 24298  
following: 24299

(a) A change in an exiting operator's form of legal 24300

organization, including the formation of a partnership or	24301
corporation from a sole proprietorship;	24302
(b) A transfer of all the exiting operator's ownership	24303
interest in the operation of the ICF/IID to the entering operator,	24304
regardless of whether ownership of any or all of the real property	24305
or personal property associated with the ICF/IID is also	24306
transferred;	24307
(c) A lease of the ICF/IID to the entering operator or the	24308
exiting operator's termination of the exiting operator's lease;	24309
(d) If the exiting operator is a partnership, dissolution of	24310
the partnership;	24311
(e) If the exiting operator is a partnership, a change in	24312
composition of the partnership unless both of the following apply:	24313
(i) The change in composition does not cause the	24314
partnership's dissolution under state law.	24315
(ii) The partners agree that the change in composition does	24316
not constitute a change in operator.	24317
(f) If the operator is a corporation, dissolution of the	24318
corporation, a merger of the corporation into another corporation	24319
that is the survivor of the merger, or a consolidation of one or	24320
more other corporations to form a new corporation.	24321
(2) The following, alone, do not constitute a change of	24322
operator:	24323
(a) A contract for an entity to manage an ICF/IID as the	24324
operator's agent, subject to the operator's approval of daily	24325
operating and management decisions;	24326
(b) A change of ownership, lease, or termination of a lease	24327
of real property or personal property associated with an ICF/IID	24328
if an entering operator does not become the operator in place of	24329
an exiting operator;	24330

(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.	24331 24332 24333 24334
(F) "Cost center" means the following:	24335
(1) Capital costs;	24336
(2) Direct care costs;	24337
(3) Indirect care costs;	24338
(4) Other protected costs.	24339
(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.	24340 24341 24342
(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:	24343 24344
(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:	24345 24346 24347
(i) Buildings;	24348
(ii) Building improvements that are not approved as nonextensive renovations under section 5124.17 of the Revised Code;	24349 24350 24351
(iii) Equipment;	24352
(iv) Extensive renovations;	24353
(v) Transportation equipment.	24354
(b) Amortization and interest on land improvements and leasehold improvements;	24355 24356
(c) Amortization of financing costs;	24357
(d) Except as provided in division (Z) of this section, lease	24358

and rent of land, building, and equipment. 24359

(2) The costs of capital assets of less than five hundred 24360  
dollars per item may be considered costs of ownership in 24361  
accordance with an ICF/IID provider's practice. 24362

(I)(1) "Date of licensure" means the following: 24363

(a) In the case of an ICF/IID that was originally licensed as 24364  
a nursing home under Chapter 3721. of the Revised Code, the date 24365  
that it was originally so licensed, regardless that it was 24366  
subsequently licensed as a residential facility under section 24367  
5123.19 of the Revised Code; 24368

(b) In the case of an ICF/IID that was originally licensed as 24369  
a residential facility under section 5123.19 of the Revised Code, 24370  
the date it was originally so licensed; 24371

(c) In the case of an ICF/IID that was not required by law to 24372  
be licensed as a nursing home or residential facility when it was 24373  
originally operated as a residential facility, the date it first 24374  
was operated as a residential facility, regardless of the date the 24375  
ICF/IID was first licensed as a nursing home or residential 24376  
facility. 24377

(2) If, after an ICF/IID's original date of licensure, more 24378  
residential facility beds are added to the ICF/IID or all or part 24379  
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 24380  
a different date of licensure for the additional beds or 24381  
extensively renovated portion of the ICF/IID. This does not apply, 24382  
however, to additional beds when both of the following apply: 24383

(a) The additional beds are located in a part of the ICF/IID 24384  
that was constructed at the same time as the continuing beds 24385  
already located in that part of the ICF/IID; 24386

(b) The part of the ICF/IID in which the additional beds are 24387  
located was constructed as part of the ICF/IID at a time when the 24388

ICF/IID was not required by law to be licensed as a nursing home 24389  
or residential facility. 24390

(3) The definition of "date of licensure" in this section 24391  
applies in determinations of ICFs/IID's medicaid payment rates but 24392  
does not apply in determinations of ICFs/IID's franchise permit 24393  
fees under sections 5168.60 to 5168.71 of the Revised Code. 24394

(J) "Desk-reviewed" means that an ICF/IID's costs as reported 24395  
on a cost report filed under section 5124.10 or 5124.101 of the 24396  
Revised Code have been subjected to a desk review under section 24397  
5124.108 of the Revised Code and preliminarily determined to be 24398  
allowable costs. 24399

(K) "Developmental center" means a residential facility that 24400  
is maintained and operated by the department of developmental 24401  
disabilities. 24402

(L) "Direct care costs" means all of the following costs 24403  
incurred by an ICF/IID: 24404

(1) Costs for registered nurses, licensed practical nurses, 24405  
and nurse aides employed by the ICF/IID; 24406

(2) Costs for direct care staff, administrative nursing 24407  
staff, medical directors, respiratory therapists, physical 24408  
therapists, physical therapy assistants, occupational therapists, 24409  
occupational therapy assistants, speech therapists, audiologists, 24410  
habilitation staff (including habilitation supervisors), qualified 24411  
intellectual disability professionals, program directors, social 24412  
services staff, activities staff, off-site day programming, 24413  
psychologists, psychology assistants, social workers, counselors, 24414  
and other persons holding degrees qualifying them to provide 24415  
therapy; 24416

(3) Costs of purchased nursing services; 24417

(4) Costs of training and staff development, employee 24418

benefits, payroll taxes, and workers' compensation premiums or	24419
costs for self-insurance claims and related costs as specified in	24420
rules adopted under section 5124.03 of the Revised Code, for	24421
personnel listed in divisions (L)(1), (2), and (3) of this	24422
section;	24423
(5) Costs of quality assurance;	24424
(6) Costs of consulting and management fees related to direct	24425
care;	24426
(7) Allocated direct care home office costs;	24427
(8) Costs of other direct-care resources that are specified	24428
as direct care costs in rules adopted under section 5124.03 of the	24429
Revised Code.	24430
(M) "Downsized ICF/IID" means an ICF/IID that permanently	24431
reduced its medicaid-certified capacity pursuant to a plan	24432
approved by the department of developmental disabilities under	24433
section 5123.042 of the Revised Code.	24434
(N) "Effective date of a change of operator" means the day	24435
the entering operator becomes the operator of the ICF/IID.	24436
(O) "Effective date of a facility closure" means the last day	24437
that the last of the residents of the ICF/IID resides in the	24438
ICF/IID.	24439
(P) "Effective date of an involuntary termination" means the	24440
date the department of medicaid terminates the operator's provider	24441
agreement for the ICF/IID or the last day that such a provider	24442
agreement is in effect when the department cancels or refuses to	24443
revalidate it.	24444
(Q) "Effective date of a voluntary termination" means the day	24445
the ICF/IID ceases to accept medicaid recipients.	24446
(R) "Entering operator" means the person or government entity	24447
that will become the operator of an ICF/IID when a change of	24448

operator occurs or following an involuntary termination.	24449
(S) "Exiting operator" means any of the following:	24450
(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;	24451 24452
(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;	24453 24454
(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;	24455 24456
(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.	24457 24458
(T)(1) "Extensive renovation" means the following:	24459
(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	24460 24461
(i) It was started before July 1, 1993+.	24462
(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.	24463 24464 24465
(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:	24466 24467
(i) It was started on or after July 1, 1993+.	24468
(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+.	24469 24470 24471
(iii) It extends the useful life of the assets for at least ten years.	24472 24473
(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than	24474 24475 24476 24477

construction of new beds. 24478

(3) For the purpose of division (T)(1)(b)(ii) of this 24479  
section, the cost of constructing a new bed shall be considered to 24480  
be forty thousand dollars, adjusted for the estimated rate of 24481  
inflation from January 1, 1993, to the end of the calendar year 24482  
during which the extensive renovation is completed, using the 24483  
consumer price index for shelter costs for all urban consumers for 24484  
the north central region, as published by the United States bureau 24485  
of labor statistics. 24486

(U)(1) Subject to divisions (U)(2) and (3) of this section, 24487  
"facility closure" means either of the following: 24488

(a) Discontinuance of the use of the building, or part of the 24489  
building, that houses the facility as an ICF/IID that results in 24490  
the relocation of all of the facility's residents; 24491

(b) Conversion of the building, or part of the building, that 24492  
houses an ICF/IID to a different use with any necessary license or 24493  
other approval needed for that use being obtained and one or more 24494  
of the facility's residents remaining in the facility to receive 24495  
services under the new use. 24496

(2) A facility closure occurs regardless of any of the 24497  
following: 24498

(a) The operator completely or partially replacing the 24499  
ICF/IID by constructing a new ICF/IID or transferring the 24500  
ICF/IID's license to another ICF/IID; 24501

(b) The ICF/IID's residents relocating to another of the 24502  
operator's ICFs/IID; 24503

(c) Any action the department of health takes regarding the 24504  
ICF/IID's medicaid certification that may result in the transfer 24505  
of part of the ICF/IID's survey findings to another of the 24506  
operator's ICFs/IID; 24507



(d) Any action the department of developmental disabilities 24508  
takes regarding the ICF/IID's license under section 5123.19 of the 24509  
Revised Code. 24510

(3) A facility closure does not occur if all of the ICF/IID's 24511  
residents are relocated due to an emergency evacuation and one or 24512  
more of the residents return to a medicaid-certified bed in the 24513  
ICF/IID not later than thirty days after the evacuation occurs. 24514

(V) "Fiscal year" means the fiscal year of this state, as 24515  
specified in section 9.34 of the Revised Code. 24516

(W) "Franchise permit fee" means the fee imposed by sections 24517  
5168.60 to 5168.71 of the Revised Code. 24518

(X) "Home and community-based services" has the same meaning 24519  
as in section 5123.01 of the Revised Code. 24520

(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. 24521  
440.150. 24522

(Z)(1) "Indirect care costs" means all reasonable costs 24523  
incurred by an ICF/IID other than capital costs, direct care 24524  
costs, and other protected costs. "Indirect care costs" includes 24525  
costs of habilitation supplies, pharmacy consultants, medical and 24526  
habilitation records, program supplies, incontinence supplies, 24527  
food, enterals, dietary supplies and personnel, laundry, 24528  
housekeeping, security, administration, liability insurance, 24529  
bookkeeping, purchasing department, human resources, 24530  
communications, travel, dues, license fees, subscriptions, home 24531  
office costs not otherwise allocated, legal services, accounting 24532  
services, minor equipment, maintenance and repair expenses, 24533  
help-wanted advertising, informational advertising, start-up 24534  
costs, organizational expenses, other interest, property 24535  
insurance, employee training and staff development, employee 24536  
benefits, payroll taxes, and workers' compensation premiums or 24537  
costs for self-insurance claims and related costs, as specified in 24538

rules adopted under section 5124.03 of the Revised Code, for 24539  
personnel listed in this division. Notwithstanding division (H) of 24540  
this section, "indirect care costs" also means the cost of 24541  
equipment, including vehicles, acquired by operating lease 24542  
executed before December 1, 1992, if the costs are reported as 24543  
administrative and general costs on the ICF/IID's cost report for 24544  
the cost reporting period ending December 31, 1992. 24545

(2) For the purpose of division (Z)(1) of this section, an 24546  
operating lease shall be construed in accordance with generally 24547  
accepted accounting principles. 24548

(AA) "Inpatient days" means both of the following: 24549

(1) All days during which a resident, regardless of payment 24550  
source, occupies a bed in an ICF/IID that is included in the 24551  
ICF/IID's medicaid-certified capacity; 24552

(2) All days for which payment is made under section 5124.34 24553  
of the Revised Code. 24554

(BB) "Intermediate care facility for individuals with 24555  
intellectual disabilities" and "ICF/IID" mean an intermediate care 24556  
facility for the mentally retarded as defined in the "Social 24557  
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 24558

(CC) "Involuntary termination" means the department of 24559  
medicaid's termination of, cancellation of, or refusal to 24560  
revalidate the operator's provider agreement for the ICF/IID when 24561  
such action is not taken at the operator's request. 24562

(DD) "Maintenance and repair expenses" means, except as 24563  
provided in division ~~(FF)~~(WW)(2)(b) of this section, expenditures 24564  
that are necessary and proper to maintain an asset in a normally 24565  
efficient working condition and that do not extend the useful life 24566  
of the asset two years or more. "Maintenance and repair expenses" 24567  
includes the costs of ordinary repairs such as painting and 24568  
wallpapering. 24569

(EE) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds. 24570  
24571  
24572

(FF) "Medicaid days" means both of the following: 24573

(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; 24574  
24575  
24576  
24577

(2) All days for which payment is made under section 5124.34 of the Revised Code. 24578  
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(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. 24580  
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(2) "New ICF/IID" does not mean either of the following: 24585

(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; 24586  
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(b) A downsized ICF/IID or partially converted ICF/IID. 24590

(HH) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 24591  
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(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID. 24593  
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(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 24596  
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protected home office costs; and any additional costs defined as 24600  
other protected costs in rules adopted under section 5124.03 of 24601  
the Revised Code. 24602

(KK)(1) "Owner" means any person or government entity that 24603  
has at least five per cent ownership or interest, either directly, 24604  
indirectly, or in any combination, in any of the following 24605  
regarding an ICF/IID: 24606

(a) The land on which the ICF/IID is located; 24607

(b) The structure in which the ICF/IID is located; 24608

(c) Any mortgage, contract for deed, or other obligation 24609  
secured in whole or in part by the land or structure on or in 24610  
which the ICF/IID is located; 24611

(d) Any lease or sublease of the land or structure on or in 24612  
which the ICF/IID is located. 24613

(2) "Owner" does not mean a holder of a debenture or bond 24614  
related to an ICF/IID and purchased at public issue or a regulated 24615  
lender that has made a loan related to the ICF/IID unless the 24616  
holder or lender operates the ICF/IID directly or through a 24617  
subsidiary. 24618

(LL) "Partially converted ICF/IID" means an ICF/IID that 24619  
converted some, but not all, of its beds to providing home and 24620  
community-based services under the individual options waiver 24621  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 24622

(MM) "Peer group 1" means each ICF/IID with a 24623  
medicaid-certified capacity exceeding eight. 24624

(NN) "Peer group 2" means each ICF/IID with a 24625  
medicaid-certified capacity not exceeding eight, other than an 24626  
ICF/IID that is in peer group 3. 24627

(OO) "Peer group 3" means each ICF/IID to which all of the 24628  
following apply: 24629

<u>(1) The ICF/IID is first certified as an ICF/IID after July</u>	24630
<u>1, 2014;</u>	24631
<u>(2) The ICF/IID has a medicaid-certified capacity not</u>	24632
<u>exceeding six;</u>	24633
<u>(3) The ICF/IID has a contract with the department of</u>	24634
<u>developmental disabilities that is for fifteen years and includes</u>	24635
<u>a provision for the department to approve all admissions to, and</u>	24636
<u>discharges from, the ICF/IID;</u>	24637
<u>(4) The ICF/IID's residents are admitted to the ICF/IID</u>	24638
<u>directly from a developmental center or have been determined by</u>	24639
<u>the department to be at risk of admission to a developmental</u>	24640
<u>center.</u>	24641
<u>(PP)(1) Except as provided in divisions <del>(MM)</del>(PP)(2) and (3)</u>	24642
<u>of this section, "per diem" means an ICF/IID's desk-reviewed,</u>	24643
<u>actual, allowable costs in a given cost center in a cost reporting</u>	24644
<u>period, divided by the facility's inpatient days for that cost</u>	24645
<u>reporting period.</u>	24646
<u>(2) When determining capital costs for the purpose of section</u>	24647
<u>5124.17 of the Revised Code, "per diem" means an ICF/IID's actual,</u>	24648
<u>allowable capital costs in a <del>cost-reporting</del> <u>cost reporting</u> period</u>	24649
<u>divided by the greater of the facility's inpatient days for that</u>	24650
<u>period or the number of inpatient days the ICF/IID would have had</u>	24651
<u>during that period if its occupancy rate had been ninety-five per</u>	24652
<u>cent.</u>	24653
<u>(3) When determining indirect care costs for the purpose of</u>	24654
<u>section 5124.21 of the Revised Code, "per diem" means an ICF/IID's</u>	24655
<u>actual, allowable indirect care costs in a <del>cost-reporting</del> <u>cost</u></u>	24656
<u><u>reporting</u> period divided by the greater of the ICF/IID's inpatient</u>	24657
<u>days for that period or the number of inpatient days the ICF/IID</u>	24658
<u>would have had during that period if its occupancy rate had been</u>	24659
<u>eighty-five per cent.</u>	24660

~~(NN)~~(OO) "Provider" means an operator with a valid provider agreement. 24661  
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~~(OO)~~(RR) "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. 24663  
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~~(PP)~~(SS) "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. 24667  
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~~(OO)~~(TT) "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 given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider. 24670  
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~~(RR)~~(UU) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider. 24677  
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(1) An individual who is a relative of an owner is a related party. 24681  
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(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 24683  
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(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

~~(SS)~~(VV) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Stepparent, stepchild, stepbrother, or stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;

(7) Foster caregiver, foster child, foster brother, or foster sister. 24721  
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~~(TT)~~(WW) (1) "Renovation" means the following: 24723

(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 24724  
24725

(i) It was started before July 1, 1993~~+~~\_ 24726

(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992. 24727  
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(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 24730  
24731

(i) It was started on or after July 1, 1993~~+~~\_ 24732

(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. 24733  
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(2) A renovation started on or after July 1, 1993, may include both of the following: 24736  
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(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years; 24738  
24739  
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(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. 24741  
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(3) "Renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid-certified capacity. 24744  
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~~(UU)~~(XX) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 24747  
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~~(VV)~~(YY) "Sponsor" means an adult relative, friend, or 24749



guardian of an ICF/IID resident who has an interest or 24750  
responsibility in the resident's welfare. 24751

~~(WW)~~(ZZ) "Title XIX" means Title XIX of the "Social Security 24752  
Act," 42 U.S.C. 1396, et seq. 24753

~~(XX)~~(AAA) "Title XVIII" means Title XVIII of the "Social 24754  
Security Act," 42 U.S.C. 1395, et seq. 24755

~~(YY)~~(BBB) "Voluntary termination" means an operator's 24756  
voluntary election to terminate the participation of an ICF/IID in 24757  
the medicaid program but to continue to provide service of the 24758  
type provided by a residential facility as defined in section 24759  
5123.19 of the Revised Code. 24760

**Sec. 5124.101.** (A) The provider of an ICF/IID in peer group 1 24761  
or peer group 2 that becomes a downsized ICF/IID or partially 24762  
converted ICF/IID on or after July 1, 2013, or becomes a new 24763  
ICF/IID on or after that date, may file with the department of 24764  
developmental disabilities a cost report covering the period 24765  
specified in division (B) of this section if the following applies 24766  
to the ICF/IID: 24767

(1) In the case of an ICF/IID that becomes a downsized 24768  
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 24769  
the following on the day it becomes a downsized ICF/IID or 24770  
partially converted ICF/IID: 24771

(a) A medicaid-certified capacity that is at least ten per 24772  
cent less than its medicaid-certified capacity on the day 24773  
immediately preceding the day it becomes a downsized ICF/IID or 24774  
partially converted ICF/IID; 24775

(b) At least five fewer beds certified as ICF/IID beds than 24776  
it has on the day immediately preceding the day it becomes a 24777  
downsized ICF/IID or partially converted ICF/IID. 24778

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 24779

a downsized ICF/IID and the downsized ICF/IID has either of the 24780  
following on the day it becomes a downsized ICF/IID: 24781

(a) A medicaid-certified capacity that is at least ten per 24782  
cent less than its medicaid-certified capacity on the day 24783  
immediately preceding the day it becomes a downsized ICF/IID; 24784

(b) At least five fewer beds certified as ICF/IID beds than 24785  
it has on the day immediately preceding the day it becomes a 24786  
downsized ICF/IID. 24787

(B) A cost report filed under division (A) of this section 24788  
shall cover the period that begins and ends as follows: 24789

(1) In the case of an ICF/IID that becomes a downsized 24790  
ICF/IID or partially converted ICF/IID: 24791

(a) The period begins with the day that the ICF/IID becomes a 24792  
downsized ICF/IID or partially converted ICF/IID. 24793

(b) The period ends on the last day of the last month of the 24794  
first three full months of operation as a downsized ICF/IID or 24795  
partially converted ICF/IID. 24796

(2) In the case of a new ICF/IID: 24797

(a) The period begins with the day that the provider 24798  
agreement for the ICF/IID takes effect. 24799

(b) The period ends on the last day of the last month of the 24800  
first three full months that the provider agreement is in effect. 24801

(C) The department shall refuse to accept a cost report filed 24802  
under division (A) of this section if either of the following 24803  
apply: 24804

(1) Except as provided in division (E) of section 5124.10 of 24805  
the Revised Code, the provider fails to file the cost report with 24806  
the department not later than ninety days after the last day of 24807  
the period the cost report covers; 24808

(2) The cost report is incomplete or inadequate.	24809
(D) If the department accepts a cost report filed under	24810
division (A) of this section, the department shall use that cost	24811
report, rather than the cost report that otherwise would be used	24812
pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the	24813
Revised Code, to determine the ICF/IID's medicaid payment rate in	24814
accordance with this chapter for ICF/IID services the ICF/IID	24815
provides during the period that begins and ends as follows:	24816
(1) The period begins on the following:	24817
(a) In the case of an ICF/IID that becomes a downsized	24818
ICF/IID or partially converted ICF/IID:	24819
(i) The day that the ICF/IID becomes a downsized ICF/IID or	24820
partially converted ICF/IID if that day is the first day of a	24821
month;	24822
(ii) The first day of the month immediately following the	24823
month that the ICF/IID becomes a downsized ICF/IID or partially	24824
converted ICF/IID if division (D)(1)(a)(i) of this section does	24825
not apply.	24826
(b) In the case of a new ICF/IID, the day that the ICF/IID's	24827
provider agreement takes effect.	24828
(2) The period ends on the last day of the fiscal year that	24829
immediately precedes the fiscal year for which the ICF/IID begins	24830
to be paid a rate determined using a cost report that division (E)	24831
of this section requires be filed in accordance with division (A)	24832
of section 5124.10 of the Revised Code.	24833
(E)(1) If the department accepts a cost report filed under	24834
division (A) of this section for an ICF/IID that becomes a	24835
downsized ICF/IID or partially converted ICF/IID on or before the	24836
first day of October of a calendar year, or for a new ICF/IID that	24837
has a provider agreement that takes effect on or before that date,	24838

the provider also shall file a cost report for the ICF/IID in 24839  
accordance with division (A) of section 5124.10 of the Revised 24840  
Code for the portion of that calendar year that the ICF/IID 24841  
operated as a downsized ICF/IID or partially converted ICF/IID or, 24842  
in the case of a new ICF/IID, for the portion that the provider 24843  
agreement was in effect. 24844

(2) If the department accepts a cost report filed under 24845  
division (A) of this section for an ICF/IID that becomes a 24846  
downsized ICF/IID or partially converted ICF/IID after the first 24847  
day of October of a calendar year, or for a new ICF/IID that has a 24848  
provider agreement that takes effect on or after that date, the 24849  
provider is not required to file a cost report for that calendar 24850  
year in accordance with division (A) of section 5124.10 of the 24851  
Revised Code. The provider shall file a cost report for the 24852  
ICF/IID in accordance with division (A) of section 5124.10 of the 24853  
Revised Code for the immediately following calendar year. 24854

**Sec. 5124.106.** (A) If an ICF/IID provider required by section 24855  
5124.10 of the Revised Code to file a cost report for the ICF/IID 24856  
fails to file the cost report by the date it is due or the date, 24857  
if any, to which the due date is extended pursuant to division (E) 24858  
of that section, or files an incomplete or inadequate report for 24859  
the ICF/IID under that section, the department of developmental 24860  
disabilities shall ~~provide immediate~~ do both of the following: 24861

(1) Give written notice to the provider that the provider 24863  
agreement for the ICF/IID will be terminated in thirty days unless 24864  
the provider submits a complete and adequate cost report for the 24865  
ICF/IID within thirty days. ~~During the thirty day termination~~ 24866  
~~period or any additional time allowed for an appeal of the~~ 24867  
~~proposed termination of a provider agreement, the provider shall~~ 24868  
~~be paid the ICF/IID's then current per medicaid day payment rate,~~ 24869

~~minus the dollar amount by which ICFs/IID's per medicaid day  
payment rates are reduced during fiscal year 2013 in accordance  
with division (A)(2) of section 5111.26 of the Revised Code  
(renumbered as section 5165.10 of the Revised Code by H.B. 59 of  
the 130th general assembly) as that section existed on the day  
immediately preceding the effective date of this section. On the  
first day of each July, the department shall adjust the amount of  
the reduction in effect during the previous twelve months to  
reflect the rate of inflation during the preceding twelve months;~~

(2) Reduce the per medicaid day payment rate for the  
provider's ICF/IID by the amount specified in division (B) of this  
section for the period of time specified in division (C) of this  
section.

(B) For the purpose of division (A)(2) of this section, an  
ICF/IID's per medicaid day payment rate shall be reduced by the  
following amount:

(1) In the case of a reduction made during the period  
beginning on the effective date of this amendment and ending on  
the first day of the first fiscal year beginning after the  
effective date of this amendment, two dollars;

(2) In the case of a reduction made during the first fiscal  
year beginning after the effective date of this amendment and each  
fiscal year thereafter, the amount of the reduction in effect on  
the last day of the fiscal year immediately preceding the fiscal  
year in which the reduction is made adjusted by the rate of  
inflation during that immediately preceding fiscal year, as shown  
in the consumer price index for all items for all urban consumers  
for the midwest region, published by the United States bureau of  
labor statistics.

(C) The period of time that an ICF/IID's per medicaid day  
payment rate is reduced under this section shall begin and end as

<u>follows:</u>	24901
<u>(1) The period shall begin on the following date:</u>	24902
<u>(a) The day immediately following the date the cost report is due or to which the due date is extended, as applicable, if the reduction is made because the provider fails to file a cost report by that date;</u>	24903 24904 24905 24906
<u>(b) The day the department gives the provider written notice under division (A)(1) of this section of the proposed provider agreement termination, if the reduction is made because the provider files an incomplete or inadequate cost report.</u>	24907 24908 24909 24910
<u>(2) The period shall end on the last day of the thirty-day period specified in the notice given under division (A)(1) of this section or any additional period allowed for an appeal of the proposed provider agreement termination.</u>	24911 24912 24913 24914
<b>Sec. 5124.15.</b> (A) Except as otherwise provided by sections 5124.151 to 5124.154 of the Revised Code and <del>division</del> <u>divisions</u> (B) <u>and</u> (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:	24915 24916 24917 24918 24919 24920 24921
(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code;	24922 24923 24924
(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code;	24925 24926 24927
(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised Code;	24928 24929 24930

(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.23 of the Revised Code. 24931  
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(B) The total per medicaid day payment rate for an ICF/IID in peer group 3 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers. 24934  
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(C) The department shall adjust the total rate otherwise determined under division (A) of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers. 24937  
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~~(C)~~(D) In addition to paying an ICF/IID provider the total rate determined for the provider's ICF/IID under divisions (A) and (B), and (C) of this section for a fiscal year, the department, in accordance with section 5124.25 of the Revised Code, may pay the provider a rate add-on for pediatric ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on. The rate add-on is not to be part of the ICF/IID's total rate. 24941  
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**Sec. 5124.151.** (A) The total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be the initial rate for ICF/IID services provided by a new ICF/IID. Instead, the initial total per medicaid day payment rate for ICF/IID services provided by a new ICF/IID shall be determined in accordance with this section. 24950  
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(B) The initial total medicaid day payment rate for ICF/IID services provided by a new ICF/IID in peer group 1 or peer group 2 shall be determined in the following manner: 24956  
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(1) The initial rate for capital costs shall be determined under section 5124.17 of the Revised Code using the greater of the 24959  
24960

new ICF/IID's actual inpatient days or an imputed occupancy rate 24961  
of eighty per cent. 24962

(2) The initial rate for direct care costs shall be 24963  
determined as follows: 24964

(a) If there are no cost or resident assessment data for the 24965  
new ICF/IID as necessary to determine a rate under section 5124.19 24966  
of the Revised Code, the rate shall be determined as follows: 24967

(i) Determine the median cost per case-mix unit under 24968  
division (B) of section 5124.19 of the Revised Code for the new 24969  
ICF/IID's peer group for the calendar year immediately preceding 24970  
the fiscal year in which the rate will be paid; 24971

(ii) Multiply the amount determined under division 24972  
~~(A)~~(B)(2)(a)(i) of this section by the median annual average 24973  
case-mix score for the new ICF/IID's peer group for that period; 24974

(iii) Adjust the product determined under division 24975  
~~(A)~~(B)(2)(a)(ii) of this section by the rate of inflation 24976  
estimated under division (D) of section 5124.19 of the Revised 24977  
Code. 24978

(b) If the new ICF/IID is a replacement ICF/IID and the 24979  
ICF/IID or ICFs/IID that are being replaced are in operation 24980  
immediately before the new ICF/IID opens, the rate shall be the 24981  
same as the rate for the replaced ICF/IID or ICFs/IID, 24982  
proportionate to the number of ICF/IID beds in each replaced 24983  
ICF/IID. 24984

(c) If the new ICF/IID is a replacement ICF/IID and the 24985  
ICF/IID or ICFs/IID that are being replaced are not in operation 24986  
immediately before the new ICF/IID opens, the rate shall be 24987  
determined under division ~~(A)~~(B)(2)(a) of this section. 24988

(3) The initial rate for indirect care costs shall be the 24989  
maximum rate for the new ICF/IID's peer group as determined for 24990



the fiscal year in accordance with division (C) of section 5124.21 24991  
of the Revised Code. 24992

(4) The initial rate for other protected costs shall be one 24993  
hundred fifteen per cent of the median rate for ICFs/IID 24994  
determined for the fiscal year under section 5124.23 of the 24995  
Revised Code. 24996

~~(B)~~(C) The initial total medicaid day payment rate for 24997  
ICF/IID services provided by a new ICF/IID in peer group 3 shall 24998  
be determined in the following manner: 24999

(1) The initial rate for capital costs shall be \$29.61. 25000

(2) The initial rate for direct care costs shall be \$264.89. 25001

(3) The initial rate for indirect care costs shall be \$59.85. 25002

(4) The initial rate for other protected costs shall be 25003  
\$25.99. 25004

(D)(1) Except as provided in division ~~(B)~~(D)(2) of this 25005  
section, the department shall adjust a new ICF/IID's initial total 25006  
per medicaid day payment rate determined under this section 25007  
effective the first day of July, to reflect new rate 25008  
determinations for all ICFs/IID under this chapter. 25009

(2) If the department accepts, under division (A) of section 25010  
5124.101 of the Revised Code, a cost report filed by the provider 25011  
of a new ICF/IID, the department shall adjust the ICF/IID's 25012  
initial total per medicaid day payment rate in accordance with 25013  
divisions (D) and (E) of that section rather than division 25014  
~~(B)~~(D)(1) of this section. 25015

**Sec. 5124.17.** (A) For each fiscal year, the department of 25016  
developmental disabilities shall determine each ICF/IID's per 25017  
medicaid day payment rate for reasonable capital costs. Except as 25018  
otherwise provided in this chapter, an ICF/IID's rate shall be 25019  
determined prospectively and based on the ICF/IID's capital costs 25020

for the calendar year preceding the fiscal year in which the rate 25021  
will be paid. Subject to section 5124.28 of the Revised Code, an 25022  
ICF/IID's rate shall equal the sum of the following: 25023

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 25024  
costs of ownership for the immediately preceding cost reporting 25025  
period, limited as provided in divisions (B) ~~and~~, (C), and (D) of 25026  
this section; 25027

(2) The ICF/IID's per medicaid day payment for the ICF/IID's 25028  
per diem capitalized costs of nonextensive renovations determined 25029  
under division ~~(D)~~(E)(1) of this section if the ICF/IID qualifies 25030  
for a payment for such costs as specified in division ~~(D)~~(E)(2) of 25031  
this section; 25032

(3) The ICF/IID's per medicaid day efficiency incentive 25033  
determined under division ~~(E)~~(F) of this section; 25034

~~(4) Until fiscal year 2015, the ICF/IID's return on net 25035  
equity determined under division (F) of this section. 25036~~

(B) The costs of ownership per diem payment rates for 25037  
ICFs/IID ~~with more than eight beds in peer group 1~~ shall not 25038  
exceed the following limits as adjusted for inflation in 25039  
accordance with division (G) of this section: 25040

(1) For ICFs/IID with dates of licensure prior to January 1, 25041  
1958, not exceeding two dollars and fifty cents; 25042

(2) For ICFs/IID with dates of licensure after December 31, 25043  
1957, but prior to January 1, 1968, not exceeding: 25044

(a) Three dollars and fifty cents if the cost of construction 25045  
was three thousand five hundred dollars or more per bed; 25046

(b) Two dollars and fifty cents if the cost of construction 25047  
was less than three thousand five hundred dollars per bed. 25048

(3) For ICFs/IID with dates of licensure after December 31, 25049  
1967, but prior to January 1, 1976, not exceeding: 25050

(a) Four dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or more per bed;	25051 25052
(b) Three dollars and fifty cents if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed;	25053 25054 25055
(c) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	25056 25057
(4) For ICFs/IID with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	25058 25059
(a) Five dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or more per bed;	25060 25061
(b) Four dollars and fifty cents if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;	25062 25063 25064
(c) Three dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per bed;	25065 25066 25067
(d) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	25068 25069
(5) For ICFs/IID with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	25070 25071
(a) Six dollars if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	25072 25073
(b) Five dollars and fifty cents if the cost of construction was less than seven thousand six hundred twenty-five dollars per bed but exceeds six thousand eight hundred dollars per bed;	25074 25075 25076
(c) Four dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or less per bed but exceeds five thousand one hundred fifty dollars per bed;	25077 25078 25079

(d) Three dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or less but exceeds three thousand five hundred dollars per bed;	25080 25081 25082
(e) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	25083 25084
(6) For ICFs/IID with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	25085 25086
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	25087 25088 25089
(b) Six dollars if the beds were originally licensed as nursing home beds by the department of health.	25090 25091
(7) For ICFs/IID with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	25092 25093
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	25094 25095 25096
(b) Six dollars and forty-five cents if the beds were originally licensed as nursing home beds by the department of health.	25097 25098 25099
(8) For ICFs/IID with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	25100 25101
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	25102 25103 25104
(b) Six dollars and seventy-nine cents if the beds were originally licensed as nursing home beds by the department of health.	25105 25106 25107
(9) For ICFs/IID with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	25108 25109

(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	25110 25111 25112
(b) Seven dollars and nine cents if the beds were originally licensed as nursing home beds by the department of health.	25113 25114
(10) For ICFs/IID with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	25115 25116
(a) Twelve dollars and twenty-four cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	25117 25118 25119
(b) Seven dollars and twenty-three cents if the beds were originally licensed as nursing home beds by the department of health.	25120 25121 25122
(11) For ICFs/IID with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	25123 25124
(a) Twelve dollars and fifty-three cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	25125 25126 25127
(b) Seven dollars and forty cents if the beds were originally licensed as nursing home beds by the department of health.	25128 25129
(12) For ICFs/IID with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:	25130 25131
(a) Twelve dollars and seventy cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	25132 25133 25134
(b) Seven dollars and fifty cents if the beds were originally licensed as nursing home beds by the department of health.	25135 25136
(13) For ICFs/IID with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:	25137 25138

(a) Twelve dollars and ninety-nine cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	25139 25140 25141
(b) Seven dollars and sixty-seven cents if the beds were originally licensed as nursing home beds by the department of health.	25142 25143 25144
(14) For ICFs/IID with dates of licensure after December 31, 1987, but prior to January 1, 1989, not exceeding thirteen dollars and twenty-six cents;	25145 25146 25147
(15) For ICFs/IID with dates of licensure after December 31, 1988, but prior to January 1, 1990, not exceeding thirteen dollars and forty-six cents;	25148 25149 25150
(16) For ICFs/IID with dates of licensure after December 31, 1989, but prior to January 1, 1991, not exceeding thirteen dollars and sixty cents;	25151 25152 25153
(17) For ICFs/IID with dates of licensure after December 31, 1990, but prior to January 1, 1992, not exceeding thirteen dollars and forty-nine cents;	25154 25155 25156
(18) For ICFs/IID with dates of licensure after December 31, 1991, but prior to January 1, 1993, not exceeding thirteen dollars and sixty-seven cents;	25157 25158 25159
(19) For ICFs/IID with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents.	25160 25161
(C)(1) The costs of ownership per diem payment rate for an ICF/IID <del>with eight or fewer beds</del> <u>in peer group 2</u> shall not exceed the following limits:	25162 25163 25164
(a) Eighteen dollars and thirty cents as adjusted for inflation pursuant to division (C)(2) of this section if any of the following apply to the ICF/IID:	25165 25166 25167
(i) The ICF/IID has a date of licensure, or was granted	25168

project authorization by the department of developmental 25169  
disabilities, before July 1, 1993. 25170

(ii) The ICF/IID has a date of licensure, or was granted 25171  
project authorization by the department, on or after July 1, 1993, 25172  
and the provider demonstrates that the provider made substantial 25173  
commitments of funds for the ICF/IID before that date. 25174

(iii) The ICF/IID has a date of licensure, or was granted 25175  
project authorization by the department, on or after July 1, 1993, 25176  
the provider made no substantial commitment of funds for the 25177  
ICF/IID before that date, and the department of job and family 25178  
services or department of developmental disabilities gave prior 25179  
approval for the ICF/IID's construction. 25180

(b) If division (C)(1)(a) of this section does not apply to 25181  
the ICF/IID, the amount that would apply to the ICF/IID under 25182  
division (B) of this section if it ~~had more than eight beds~~ were 25183  
in peer group 1. 25184

(2) The eighteen-dollar and thirty-cent payment rate 25185  
specified in division (C)(1)(a) of this section shall be increased 25186  
as follows: 25187

(a) For the period beginning June 30, 1990, and ending July 25188  
1, 1993, by the change in the "Dodge building cost indexes, 25189  
northeastern and north central states," published by Marshall and 25190  
Swift; 25191

(b) For each fiscal year thereafter, in accordance with 25192  
division (G) of this section. 25193

(D) The costs of ownership per diem payment rate for an 25194  
ICF/IID in peer group 3 shall not exceed the amount that is used 25195  
for the purpose of division (C)(1)(a) of this section and is in 25196  
effect on July 1, 2014. That rate shall be increased each fiscal 25197  
year that begins after the effective date of this section in 25198  
accordance with division (G) of this section. 25199

(E)(1) Beginning January 1, 1981, regardless of the original date of licensure, the payment rate for the per diem capitalized costs of nonextensive renovations made after January 1, 1981, to a qualifying ICF/IID, shall not exceed six dollars per medicaid day using 1980 as the base year and adjusting the amount annually until June 30, 1993, for fluctuations in construction costs calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift. The payment rate shall be further adjusted in accordance with division (G) of this section. The payment provided for in this division is the only payment that shall be made for an ICF/IID's capitalized costs of nonextensive renovations. Costs of nonextensive renovations shall not be included in costs of ownership and shall not affect the date of licensure for purposes of division (B) or (C) of this section. This division applies to nonextensive renovations regardless of whether they are made by an owner or a lessee. If the tenancy of a lessee that has made nonextensive renovations ends before the depreciation expense for the costs of nonextensive renovations has been fully reported, the former lessee shall not report the undepreciated balance as an expense.

(2) An ICF/IID qualifies for a payment for costs of nonextensive renovations if all of the following apply:

(a) Either of the following applies:

(i) The ICF/IID ~~has more than eight beds~~ is in peer group 1 and either the department approved the nonextensive renovation before July 1, 2013, or the nonextensive renovation is part of a project that results in the ICF/IID becoming a downsized ICF/IID or partially converted ICF/IID.

(ii) The ICF/IID ~~has eight or fewer beds~~ is in peer group 2 or peer group 3.



(b) At least five years have elapsed since the ICF/IID's date of licensure or date of an extensive renovation of the portion of the ICF/IID that is proposed to be nonextensively renovated, unless the nonextensive renovation is necessary to meet the requirements of federal, state, or local statutes, ordinances, rules, or policies.

(c) The provider of the ICF/IID does both of the following:

(i) Submits to the department a plan that describes in detail the changes in capital assets to be accomplished by means of the nonextensive renovation and the timetable for completing the project, which shall be not more than eighteen months after the nonextensive renovation begins;

(ii) Obtains prior approval from the department for the nonextensive renovation.

(3) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code that specify criteria and procedures for prior approval of nonextensive renovation and extensive renovation projects. No provider shall separate a project with the intent to evade the characterization of the project as a nonextensive renovation or as an extensive renovation. No provider shall increase the scope of a project after it is approved by the department unless the increase in scope is approved by the department.

~~(E)~~(F)(1) Subject to division ~~(E)~~(F)(2) of this section, an ICF/IID's per medicaid day efficiency incentive payment rate shall equal the following percentage of the difference between the ICF/IID's desk-reviewed, actual, allowable per diem costs of ownership and the applicable limit on costs of ownership payment rates established by division (B) of this section:

(a) In the case of an ICF/IID ~~with more than eight beds in~~ peer group 1, the following percentage:

(i) <del>Fifty per cent for fiscal year 2014;</del>	25262
<del>(ii) Fifty per cent for fiscal year 2015 and each fiscal year thereafter</del> 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;	25263 25264 25265 25266 25267
<del>(iii)</del> (ii) Twenty-five per cent <u>if division (F)(1)(a)(i) of this section does not apply;</u>	25268 25269
(b) In the case of an ICF/IID <del>with eight or fewer beds in peer group 2 or peer group 3</del> , fifty per cent.	25270 25271
(2) The efficiency incentive payment rate for an ICF/IID <del>with eight or fewer beds in peer group 2 or peer group 3</del> shall not exceed three dollars per medicaid day, adjusted annually in accordance with division (G) of this section. For the purpose of determining an ICF/IID's efficiency incentive payment rate, both of the following apply:	25272 25273 25274 25275 25276 25277
(a) Depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership;	25278 25279
(b) The applicable limit under division (B) of this section shall apply <del>both to all ICFs/IID with more than eight beds and ICFs/IID with eight or fewer beds</del> <u>regardless of which peer group they are in.</u>	25280 25281 25282 25283
<del>(F) An ICF/IID's return on net equity shall be determined at the rate of one and one half times the average of interest rates on special issues of public debt obligations issued to the federal hospital insurance trust fund for the cost reporting period. In determining an ICF/IID's rate for return on net equity, the department shall use the greater of the ICF/IID's inpatient days during the applicable cost reporting period or the number of inpatient days the ICF/IID would have had during that period if the ICF/IID's occupancy rate had been ninety five per cent. No</del>	25284 25285 25286 25287 25288 25289 25290 25291 25292

~~ICF/IID's rate for return on net equity shall exceed one dollar 25293  
per medicaid day. No ICF/IID's rate for capital costs shall 25294  
include a rate for return on net equity beginning July 1, 2014. 25295~~

(G) The amounts specified in divisions (B), (C), (D), ~~and 25296  
(E), and (F)~~ of this section shall be adjusted beginning ~~July 1, 25297  
1993, on the first day of each fiscal year~~ for the estimated 25298  
inflation rate for the twelve-month period beginning on the first 25299  
day of July of the calendar year immediately preceding the 25300  
calendar year that immediately precedes the fiscal year for which 25301  
rate will be paid and ending on the thirtieth day of the following 25302  
June, using the consumer price index for shelter costs for all 25303  
urban consumers for the midwest region, as published by the United 25304  
States bureau of labor statistics. 25305

(H) Notwithstanding divisions (C) and ~~(D)~~(E) of this section, 25306  
the total payment rate for costs of ownership, capitalized costs 25307  
of nonextensive renovations, and the efficiency incentive for an 25308  
ICF/IID ~~with eight or fewer beds in peer group 2~~ shall not exceed 25309  
the sum of the limitations specified in divisions (C) and ~~(D)~~(E) 25310  
of this section. Notwithstanding divisions (D) and (E) of this 25311  
section, the total payment rate for costs of ownership, 25312  
capitalized costs of nonextensive renovations, and the efficiency 25313  
incentive for an ICF/IID in peer group 3 shall not exceed the sum 25314  
of the limitations specified in divisions (D) and (E) of this 25315  
section. 25316

~~(H)~~ 25317

(I)(1) For the purpose of determining ICFs/IID's medicaid 25318  
payment rates for capital costs: 25319

(a) Buildings shall be depreciated using the straight line 25320  
method over forty years or over a different period approved by the 25321  
department. 25322

(b) Components and equipment shall be depreciated using the 25323

straight line method over a period designated by the director of 25324  
developmental disabilities in rules adopted under section 5124.03 25325  
of the Revised Code, consistent with the guidelines of the 25326  
American hospital association, or over a different period approved 25327  
by the department. 25328

(2) Any rules authorized by division (I)(1) of this section 25329  
that specify useful lives of buildings, components, or equipment 25330  
apply only to assets acquired on or after July 1, 1993. 25331  
Depreciation for costs paid or reimbursed by any government agency 25332  
shall not be included in costs of ownership or costs of 25333  
nonextensive renovations unless that part of the payment under 25334  
this chapter is used to reimburse the government agency. 25335

(J)(1) Except as provided in division (J)(2) of this section, 25336  
if a provider leases or transfers an interest in an ICF/IID to 25337  
another provider who is a related party, the related party's 25338  
allowable costs of ownership shall include the lesser of the 25339  
following: 25340

(a) The annual lease expense or actual cost of ownership, 25341  
whichever is applicable; 25342

(b) The reasonable cost to the lessor or provider making the 25343  
transfer. 25344

(2) If a provider leases or transfers an interest in an 25345  
ICF/IID to another provider who is a related party, regardless of 25346  
the date of the lease or transfer, the related party's allowable 25347  
cost of ownership shall include the annual lease expense or actual 25348  
cost of ownership, whichever is applicable, subject to the 25349  
limitations specified in divisions (B) to (I) of this section, if 25350  
all of the following conditions are met: 25351

(a) The related party is a relative of owner; 25352

(b) In the case of a lease, if the lessor retains any 25353  
ownership interest, it is, except as provided in division 25354

(J)(2)(d)(ii) of this section, in only the real property and any 25355  
improvements on the real property; 25356

(c) In the case of a transfer, the provider making the 25357  
transfer retains, except as provided in division (J)(2)(d)(iv) of 25358  
this section, no ownership interest in the ICF/IID; 25359

(d) The department determines that the lease or transfer is 25360  
an arm's length transaction pursuant to rules adopted under 25361  
section 5124.03 of the Revised Code. The rules shall provide that 25362  
a lease or transfer is an arm's length transaction if all of the 25363  
following, as applicable, apply: 25364

(i) In the case of a lease, once the lease goes into effect, 25365  
the lessor has no direct or indirect interest in the lessee or, 25366  
except as provided in division (J)(2)(b) of this section, the 25367  
ICF/IID itself, including interest as an owner, officer, director, 25368  
employee, independent contractor, or consultant, but excluding 25369  
interest as a lessor. 25370

(ii) In the case of a lease, the lessor does not reacquire an 25371  
interest in the ICF/IID except through the exercise of a lessor's 25372  
rights in the event of a default. If the lessor reacquires an 25373  
interest in the ICF/IID in this manner, the department shall treat 25374  
the ICF/IID as if the lease never occurred when the department 25375  
determines its payment rate for capital costs. 25376

(iii) In the case of a transfer, once the transfer goes into 25377  
effect, the provider that made the transfer has no direct or 25378  
indirect interest in the provider that acquires the ICF/IID or the 25379  
ICF/IID itself, including interest as an owner, officer, director, 25380  
employee, independent contractor, or consultant, but excluding 25381  
interest as a creditor. 25382

(iv) In the case of a transfer, the provider that made the 25383  
transfer does not reacquire an interest in the ICF/IID except 25384  
through the exercise of a creditor's rights in the event of a 25385

default. If the provider reacquires an interest in the ICF/IID in 25386  
this manner, the department shall treat the ICF/IID as if the 25387  
transfer never occurred when the department determines its payment 25388  
rate for capital costs. 25389

(v) The lease or transfer satisfies any other criteria 25390  
specified in the rules. 25391

(e) Except in the case of hardship caused by a catastrophic 25392  
event, as determined by the department, or in the case of a lessor 25393  
or provider making the transfer who is at least sixty-five years 25394  
of age, not less than twenty years have elapsed since, for the 25395  
same ICF/IID, allowable cost of ownership was determined most 25396  
recently under this division. 25397

**Sec. 5124.19.** (A)(1) For each fiscal year, the department of 25398  
developmental disabilities shall determine each ICF/IID's per 25399  
medicaid day payment rate for direct care costs as follows: 25400

(a) Multiply the lesser of the following by the ICF/IID's 25401  
annual average case-mix score determined or assigned under section 25402  
5124.192 of the Revised Code for the calendar year immediately 25403  
preceding the fiscal year for which the rate will be paid: 25404

(i) The ICF/IID's cost per case-mix unit for the calendar 25405  
year immediately preceding the fiscal year for which the rate will 25406  
be paid, as determined under division (B) of this section; 25407

(ii) The maximum cost per case-mix unit for the ICF/IID's 25408  
peer group for the fiscal year for which the rate will be paid, as 25409  
set under division (C) of this section; 25410

(b) Adjust the product determined under division (A)(1)(a) of 25411  
this section by the inflation rate estimated under division (D)(1) 25412  
of this section and modified under division (D)(2) of this 25413  
section. 25414

(2) Except as otherwise directed by law enacted by the 25415

general assembly, the department shall determine each ICF/IID's 25416  
rate for direct care costs prospectively. 25417

(B) To determine an ICF/IID's cost per case-mix unit for the 25418  
calendar year immediately preceding the fiscal year in which the 25419  
rate will be paid, the department shall divide the ICF/IID's 25420  
desk-reviewed, actual, allowable, per diem direct care costs for 25421  
that calendar year by its annual average case-mix score determined 25422  
under section 5124.192 of the Revised Code for the same calendar 25423  
year. 25424

(C)(1) For each fiscal year for which a rate will be paid, 25425  
the department shall set the maximum cost per case-mix unit for 25426  
~~each peer group of ICFs/IID with more than eight beds in peer~~ 25427  
~~group 1~~ at a percentage above the cost per case-mix unit 25428  
determined under division (B) of this section for the ICF/IID in 25429  
~~the peer group 1~~ that has the peer group's median number of 25430  
medicaid days for the calendar year immediately preceding the 25431  
fiscal year in which the rate will be paid. The percentage shall 25432  
be no less than ~~the percentage above the cost per case mix unit~~ 25433  
~~determined under division (B) of this section for the ICF/IID that~~ 25434  
~~has the median number of medicaid days for calendar year 1992 for~~ 25435  
~~all ICFs/IID with more than eight beds that would result in~~ 25436  
~~payment of all desk reviewed, actual, allowable direct care costs~~ 25437  
~~for eighty and one half per cent of the medicaid days for such~~ 25438  
~~ICFs/IID for calendar year 1992~~ twenty-two and forty-six 25439  
hundredths per cent. 25440

(2) For each fiscal year for which a rate will be paid, the 25441  
department shall set the maximum cost per case-mix unit for ~~each~~ 25442  
~~peer group of ICFs/IID with eight or fewer beds in peer group 2~~ at 25443  
a percentage above the cost per case-mix unit determined under 25444  
division (B) of this section for the ICF/IID in ~~the peer group 2~~ 25445  
that has the peer group's median number of medicaid days for the 25446  
calendar year immediately preceding the fiscal year in which the 25447

rate will be paid. The percentage shall be no less than ~~the~~ 25448  
~~percentage above the cost per case mix unit determined under~~ 25449  
~~division (B) of this section for the ICF/IID that has the median~~ 25450  
~~number of medicaid days for calendar year 1992 for all ICFs/IID~~ 25451  
~~with eight or fewer beds that would result in payment of all~~ 25452  
~~desk reviewed, actual, allowable direct care costs for eighty and~~ 25453  
~~one half per cent of the medicaid days for such ICFs/IID for~~ 25454  
~~calendar year 1992~~ eighteen and eight-tenths per cent. 25455

(3) For each fiscal year for which a rate will be paid, the 25456  
department shall set the maximum cost per case-mix unit for 25457  
ICFs/IID in peer group 3 at the ninety-fifth percentile of all 25458  
ICFs/IID in peer group 3 for the calendar year immediately 25459  
preceding the fiscal year in which the rate will be paid. 25460

(4) In determining the maximum cost per case-mix unit under 25461  
divisions (C)(1) and (2) of this section for ~~each~~ peer group 1 and 25462  
peer group 2, the department shall exclude from its determinations 25463  
the cost per case-mix unit of any ICF/IID in ~~the~~ peer group 1 or 25464  
peer group 2 that participated in the medicaid program under the 25465  
same provider for less than twelve months during the calendar year 25466  
immediately preceding the fiscal year in which the rate will be 25467  
paid. 25468

~~(4)~~(5) The department shall not reset a peer group's maximum 25469  
cost per case-mix unit for a fiscal year under division (C)(1) ~~or~~ 25470  
(2), or (3) of this section based on additional information that 25471  
it receives after it sets the maximum for that fiscal year. The 25472  
department shall reset a peer group's maximum cost per case-mix 25473  
unit for a fiscal year only if it made an error in setting the 25474  
maximum for that fiscal year based on information available to the 25475  
department at the time it originally sets the maximum for that 25476  
fiscal year. 25477

(D)(1) The department shall estimate the rate of inflation 25478  
for the eighteen-month period beginning on the first day of July 25479



of the calendar year preceding the fiscal year in which a rate 25480  
will be paid and ending on the thirty-first day of December of the 25481  
fiscal year in which the rate will be paid, using the following: 25482

(a) Subject to division (D)(1)(b) of this section, the 25483  
employment cost index for total compensation, health care and 25484  
social assistance component, published by the United States bureau 25485  
of labor statistics; 25486

(b) If the United States bureau of labor statistics ceases to 25487  
publish the index specified in division (D)(1)(a) of this section, 25488  
the index that is subsequently published by the bureau and covers 25489  
the staff costs of ICFs/IID. 25490

(2) If the estimated inflation rate for the eighteen-month 25491  
period specified in division (D)(1) of this section is different 25492  
from the actual inflation rate for that period, as measured using 25493  
the same index, the difference shall be added to or subtracted 25494  
from the inflation rate estimated under division (D)(1) of this 25495  
section for the following fiscal year. 25496

~~(E) The director of developmental disabilities shall adopt 25497  
rules under section 5124.03 of the Revised Code that specify peer 25498  
groups of ICFs/IID with more than eight beds and peer groups of 25499  
ICFs/IID with eight or fewer beds, based on findings of 25500  
significant per diem direct care cost differences due to geography 25501  
and bed size. The rules also may specify peer groups based on 25502  
findings of significant per diem direct care cost differences due 25503  
to other factors which may include case mix. 25504~~

**Sec. 5124.21.** (A) For each fiscal year, the department of 25505  
developmental disabilities shall determine each ICF/IID's per 25506  
medicaid day payment rate for indirect care costs. Except as 25507  
otherwise provided in this chapter, an ICF/IID's rate shall be 25508  
determined prospectively. Subject to section 5124.28 of the 25509  
Revised Code, an ICF/IID's rate shall be the lesser of the 25510

individual rate determined under division (B) of this section and 25511  
the maximum rate determined for the ICF/IID's peer group under 25512  
division (C) of this section. 25513

(B) An ICF/IID's individual rate is the sum of the following: 25514

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 25515  
indirect care costs from the calendar year immediately preceding 25516  
the fiscal year in which the rate will be paid, adjusted for the 25517  
inflation rate estimated under division ~~(D)~~(E)(1) of this section; 25518

~~(2) If the ICF/IID has more than eight beds~~ Subject to 25519  
division (D) of this section, an efficiency incentive ~~in the~~ 25520  
~~following amount:~~ 25521

~~(a) For fiscal year 2014, seven and one tenth per cent of the~~ 25522  
~~maximum rate established for the ICF/IID's peer group under~~ 25523  
~~division (C) of this section;~~ 25524

~~(b) For fiscal year 2015, the following amount:~~ 25525

~~(i) The amount calculated for fiscal year 2014 under division~~ 25526  
~~(B)(2)(a) of this section if the provider of the ICF/IID obtains~~ 25527  
~~the department's approval to become a downsized ICF/IID and the~~ 25528  
~~approval is conditioned on the downsizing being completed not~~ 25529  
~~later than July 1, 2018;~~ 25530

~~(ii) One half of the amount calculated for fiscal year 2014~~ 25531  
~~under division (B)(2)(a) of this section if division (B)(2)(b)(i)~~ 25532  
~~of this section does not apply to the ICF/IID~~ equal to the 25533  
difference between the amount of the per diem indirect care costs 25534  
determined for the ICF/IID under division (B)(1) of this section 25535  
for the fiscal year in which the rate will be paid and the maximum 25536  
rate established for the ICF/IID's peer group under division (C) 25537  
of this section for that fiscal year. 25538

~~(c) For fiscal year 2016 and each fiscal year thereafter~~ 25539  
~~ending in an even numbered calendar year, the following~~ 25540

~~percentages of the maximum rate established for the ICF/IID's peer group under division (C) of this section:~~ 25541  
25542

~~(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;~~ 25543  
25544  
25545  
25546

~~(ii) Three and fifty five hundredths per cent if division (B)(2)(c)(i) of this section does not apply to the ICF/IID.~~ 25547  
25548

~~(d) For fiscal year 2017 and each fiscal year thereafter ending in an odd numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (B)(2)(c) of this section.~~ 25549  
25550  
25551  
25552

~~(3) If the ICF/IID has eight or fewer beds, an efficiency incentive in the following amount:~~ 25553  
25554

~~(a) For each fiscal year ending in an even numbered calendar year, seven per cent of the maximum rate established for the ICF/IID's peer group under division (C) of this section;~~ 25555  
25556  
25557

~~(b) For each fiscal year ending in an odd numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (B)(3)(a) of this section.~~ 25558  
25559  
25560

~~(C)(1) The maximum rate for indirect care costs for each peer group of ICFs/IID with more than eight beds ICF/IID in peer group 1 shall be determined as follows:~~ 25561  
25562  
25563

~~(a) For each fiscal year ending in an even-numbered calendar year, the maximum rate for ~~each such~~ ICFs/IID in peer group 1 shall be the rate that is no less than twelve and four-tenths per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in ~~the~~ peer group 1 (excluding ICFs/IID in ~~the~~ peer group 1 whose indirect care costs for that period are more than three standard deviations from the mean~~ 25564  
25565  
25566  
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25570

desk-reviewed, actual, allowable, per diem indirect care cost for 25571  
all ICFs/IID ~~with more than eight beds in peer group 1~~) for the 25572  
calendar year immediately preceding the fiscal year in which the 25573  
rate will be paid, adjusted by the inflation rate estimated under 25574  
division ~~(D)~~(E)(1) of this section. 25575

(b) For each fiscal year ending in an odd-numbered calendar 25576  
year, the maximum rate for ~~each such~~ ICFs/IID in peer group 1 is 25577  
the ~~peer group's~~ maximum rate for ICFs/IID in peer group 1 for the 25578  
previous fiscal year, adjusted for the inflation rate estimated 25579  
under division ~~(D)~~(E)(2) of this section. 25580

(2) The maximum rate for indirect care costs for ~~each peer~~ 25581  
~~group of~~ ICFs/IID ~~with eight or fewer beds in peer group 2 or peer~~ 25582  
group 3 shall be determined as follows: 25583

(a) For each fiscal year ending in an even-numbered calendar 25584  
year, the maximum rate for ~~each such~~ ICFs/IID in peer group 2 or 25585  
peer group 3 shall be the rate that is no less than ten and 25586  
three-tenths per cent above the median desk-reviewed, actual, 25587  
allowable, per diem indirect care cost for all ICFs/IID in ~~the~~ 25588  
peer group 2 or peer group 3 (excluding ICFs/IID in ~~the~~ peer group 25589  
2 or peer group 3 whose indirect care costs are more than three 25590  
standard deviations from the mean desk-reviewed, actual, 25591  
allowable, per diem indirect care cost for all ICFs/IID ~~with eight~~ 25592  
~~or fewer beds in peer group 2 or peer group 3~~) for the calendar 25593  
year immediately preceding the fiscal year in which the rate will 25594  
be paid, adjusted by the inflation rate estimated under division 25595  
~~(D)~~(E)(1) of this section. 25596

(b) For each fiscal year ending in an odd-numbered calendar 25597  
year, the maximum rate for ~~each such~~ ICFs/IID in peer group 2 or 25598  
peer group 3 is the ~~peer group's~~ maximum rate for ICFs/IID in peer 25599  
group 2 or peer group 3 for the previous fiscal year, adjusted for 25600  
the inflation rate estimated under division ~~(D)~~(E)(2) of this 25601  
section. 25602

(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 in peer group 1 shall not exceed the following:

(a) For fiscal year 2014, seven and one-tenth per cent of the maximum rate established for ICFs/IID in peer group 1 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 ICFs/IID in peer group 1 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

<u>(D)(1)(c)(i) of this section does not apply to the ICF/IID.</u>	25633
<u>(d) For fiscal year 2017 and each fiscal year thereafter</u>	25634
<u>ending in an odd-numbered calendar year, the amount calculated for</u>	25635
<u>the immediately preceding fiscal year under division (D)(1)(c) of</u>	25636
<u>this section.</u>	25637
<u>(2) The efficiency incentive for an ICF/IID in peer group 2</u>	25638
<u>or peer group 3 shall not exceed the following:</u>	25639
<u>(a) For each fiscal year ending in an even-numbered calendar</u>	25640
<u>year, seven per cent of the maximum rate established for ICFs/IID</u>	25641
<u>in peer group 2 or peer group 3 under division (C) of this</u>	25642
<u>section;</u>	25643
<u>(b) For each fiscal year ending in an odd-numbered calendar</u>	25644
<u>year, the amount calculated for the immediately preceding fiscal</u>	25645
<u>year under division (D)(2)(a) of this section.</u>	25646
<u>(E)(1) When adjusting rates for inflation under divisions</u>	25647
<u>(B)(1), (C)(1)(a), and (C)(2)(a) of this section, the department</u>	25648
<u>shall estimate the rate of inflation for the eighteen-month period</u>	25649
<u>beginning on the first day of July of the calendar year</u>	25650
<u>immediately preceding the fiscal year in which the rate will be</u>	25651
<u>paid and ending on the thirty-first day of December of the fiscal</u>	25652
<u>year in which the rate will be paid. To estimate the rate of</u>	25653
<u>inflation, the department shall use the following:</u>	25654
<u>(a) Subject to division <del>(D)</del>(E)(1)(b) of this section, the</u>	25655
<u>consumer price index for all items for all urban consumers for the</u>	25656
<u>midwest region, published by the United States bureau of labor</u>	25657
<u>statistics;</u>	25658
<u>(b) If the United States bureau of labor statistics ceases to</u>	25659
<u>publish the index specified in division <del>(D)</del>(E)(1)(a) of this</u>	25660
<u>section, a comparable index that the bureau publishes and the</u>	25661
<u>department determines is appropriate.</u>	25662

(2) When adjusting rates for inflation under divisions (C)(1)(b) and (C)(2)(b) of this section, the department shall estimate the rate of inflation for the twelve-month period beginning on the first day of January of the fiscal year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following:

(a) Subject to division ~~(D)~~(E)(2)(b) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division ~~(D)~~(E)(2)(a) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

(3) If an inflation rate estimated under division ~~(D)~~(E)(1) or (2) of this section is different from the actual inflation rate for the relevant time period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated pursuant to this division for the following fiscal year.

~~(E) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code that specify peer groups of ICFs/IID with more than eight beds and peer groups of ICFs/IID with eight or fewer beds, based on findings of significant per diem indirect care cost differences due to geography and bed size. The rules also may specify peer groups based on findings of significant per diem indirect care cost differences due to other factors, including case mix.~~

**Sec. 5124.28.** Notwithstanding any provision of section

5124.17 or 5124.21 of the Revised Code, the director of 25694  
developmental disabilities may adopt rules under section 5124.03 25695  
of the Revised Code that provide for the determination of a 25696  
combined maximum payment limit for indirect care costs and costs 25697  
of ownership for ICFs/IID ~~with eight or fewer beds in peer group~~ 25698  
2. 25699

**Sec. 5124.38.** (A) The director of developmental disabilities 25700  
shall establish a process under which an ICF/IID provider, or a 25701  
group or association of ICF/IID providers, may seek 25702  
reconsideration of medicaid payment rates established under this 25703  
chapter, including a rate for direct care costs redetermined 25704  
before the effective date of the rate as a result of an exception 25705  
review conducted under section 5124.193 of the Revised Code. 25706  
Except as provided in divisions (B) to (D) of this section, the 25707  
only issue that a provider, group, or association may raise in the 25708  
rate reconsideration is whether the rate was calculated in 25709  
accordance with this chapter and the rules adopted under section 25710  
5124.03 of the Revised Code. The provider, group, or association 25711  
may submit written arguments or other materials that support its 25712  
position. The provider, group, or association and department shall 25713  
take actions regarding the rate reconsideration within time frames 25714  
specified in rules authorized by this section. 25715

If the department determines, as a result of the rate 25716  
reconsideration, that the rate established for one or more 25717  
ICFs/IID is less than the rate to which the ICF/IID is entitled, 25718  
the department shall increase the rate. If the department has paid 25719  
the incorrect rate for a period of time, the department shall pay 25720  
the provider of the ICF/IID the difference between the amount the 25721  
provider was paid for that period for the ICF/IID and the amount 25722  
the provider should have been paid for the ICF/IID. 25723

(B)(1) The department, through the rate reconsideration 25724



process, may increase during a fiscal year the medicaid payment	25725
rate determined for an ICF/IID under this chapter if the provider	25726
demonstrates that the ICF/IID's actual, allowable costs have	25727
increased because of any of the following extreme circumstances:	25728
(a) A natural disaster;	25729
(b) A nonextensive renovation approved under division <del>(D)</del> <u>(E)</u>	25730
of section 5124.17 of the Revised Code;	25731
(c) If the ICF/IID has an appropriate claims management	25732
program, an increase in the ICF/IID's workers' compensation	25733
experience rating of greater than five per cent;	25734
(d) If the ICF/IID is an inner-city ICF/IID, increased	25735
security costs;	25736
(e) A change of ownership that results from bankruptcy,	25737
foreclosure, or findings by the department of health of violations	25738
of medicaid certification requirements;	25739
(f) Other extreme circumstances specified in rules authorized	25740
by this section.	25741
(2) An ICF/IID may qualify for a rate increase under this	25742
division only if its per diem, actual, allowable costs have	25743
increased to a level that exceeds its total rate. An increase	25744
under this division is subject to any rate limitations or maximum	25745
rates established by this chapter for specific cost centers. Any	25746
rate increase granted under this division shall take effect on the	25747
first day of the first month after the department receives the	25748
request.	25749
(C) The department, through the rate reconsideration process,	25750
may increase an ICF/IID's rate as determined under this chapter if	25751
the department, in the department's sole discretion, determines	25752
that the rate as determined under those sections works an extreme	25753
hardship on the ICF/IID.	25754

(D) When beds certified for the medicaid program are added to an existing ICF/IID or replaced at the same site, the department, through the rate reconsideration process, may increase the ICF/IID's rate for capital costs proportionately, as limited by any applicable limitation under section 5124.17 of the Revised Code, to account for the costs of the beds that are added or replaced. If the department makes this increase, it shall make the increase one month after the first day of the month after the department receives sufficient documentation of the costs. Any rate increase granted under this division after June 30, 1993, shall remain in effect until the effective date of a rate for capital costs determined under section 5124.17 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement. The ICF/IID shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which a rate adjustment is granted under this division, if the ICF/IID is operated by the same provider, the provider shall subtract from the interest costs it reports on its cost report an amount equal to the difference between the following:

(1) The actual, allowable interest costs for the loan during the calendar year for which the costs are being reported;

(2) The actual, allowable interest costs attributable to the loan that were used to calculate the rates paid to the provider for the ICF/IID during the same calendar year.

(E) The department's decision at the conclusion of the reconsideration process is not subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.

(F) The director of developmental disabilities shall adopt

rules under section 5124.03 of the Revised Code as necessary to 25787  
implement this section. 25788

**Sec. 5124.60.** (A) For the purpose of increasing the number of 25789  
slots available for home and community-based services ~~and subject~~ 25790  
~~to sections 5124.63 and 5124.64 of the Revised Code,~~ the operator 25791  
of an ICF/IID may convert some or all of the beds in the ICF/IID 25792  
from providing ICF/IID services to providing home and 25793  
community-based services if all of the following requirements are 25794  
met: 25795

(1) The operator provides the directors of health and 25796  
developmental disabilities at least ninety days' notice of the 25797  
operator's intent to make the conversion. 25798

(2) The operator complies with the requirements of sections 25799  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 25800  
termination if those requirements are applicable. 25801

(3) If the operator intends to convert all of the ICF/IID's 25802  
beds, the operator notifies each of the ICF/IID's residents that 25803  
the ICF/IID is to cease providing ICF/IID services and inform each 25804  
resident that the resident may do either of the following: 25805

(a) Continue to receive ICF/IID services by transferring to 25806  
another ICF/IID that is willing and able to accept the resident if 25807  
the resident continues to qualify for ICF/IID services; 25808

(b) Begin to receive home and community-based services 25809  
instead of ICF/IID services from any provider of home and 25810  
community-based services that is willing and able to provide the 25811  
services to the resident if the resident is eligible for the 25812  
services and a slot for the services is available to the resident. 25813

(4) If the operator intends to convert some but not all of 25814  
the ICF/IID's beds, the operator notifies each of the ICF/IID's 25815  
residents that the ICF/IID is to convert some of its beds from 25816

providing ICF/IID services to providing home and community-based	25817
services and inform each resident that the resident may do either	25818
of the following:	25819
(a) Continue to receive ICF/IID services from any ICF/IID	25820
that is willing and able to provide the services to the resident	25821
if the resident continues to qualify for ICF/IID services;	25822
(b) Begin to receive home and community-based services	25823
instead of ICF/IID services from any provider of home and	25824
community-based services that is willing and able to provide the	25825
services to the resident if the resident is eligible for the	25826
services and a slot for the services is available to the resident.	25827
(5) The operator meets the requirements for providing home	25828
and community-based services, including the following:	25829
(a) Such requirements applicable to a residential facility if	25830
the operator maintains the facility's license as a residential	25831
facility;	25832
(b) Such requirements applicable to a facility that is not	25833
licensed as a residential facility if the operator surrenders the	25834
facility's license as a residential facility under section 5123.19	25835
of the Revised Code.	25836
(6) The director of developmental disabilities approves the	25837
conversion.	25838
(B) A decision by the director of developmental disabilities	25839
to approve or refuse to approve a proposed conversion of beds is	25840
final. In making a decision, the director shall consider all of	25841
the following:	25842
(1) The fiscal impact on the ICF/IID if some but not all of	25843
the beds are converted;	25844
(2) The fiscal impact on the medicaid program;	25845
(3) The availability of home and community-based services.	25846

(C) The notice provided to the directors under division 25847  
(A)(1) of this section shall specify whether some or all of the 25848  
ICF/IID's beds are to be converted. If some but not all of the 25849  
beds are to be converted, the notice shall specify how many of the 25850  
ICF/IID's beds are to be converted and how many of the beds are to 25851  
continue to provide ICF/IID services. The notice to the director 25852  
of developmental disabilities shall specify whether the operator 25853  
wishes to surrender the ICF/IID's license as a residential 25854  
facility under section 5123.19 of the Revised Code. 25855

(D)(1) If the director of developmental disabilities approves 25856  
a conversion under division (B) of this section, the director of 25857  
health shall do the following: 25858

(a) Terminate the ICF/IID's medicaid certification if the 25859  
notice specifies that all of the ICF/IID's beds are to be 25860  
converted; 25861

(b) Reduce the ICF/IID's medicaid-certified capacity by the 25862  
number of beds being converted if the notice specifies that some 25863  
but not all of the beds are to be converted. 25864

(2) The director of health shall notify the medicaid director 25865  
of the termination or reduction. On receipt of the notice, the 25866  
medicaid director shall do the following: 25867

(a) Terminate the operator's medicaid provider agreement that 25868  
authorizes the operator to provide ICF/IID services at the ICF/IID 25869  
if the ICF/IID's certification was terminated; 25870

(b) Amend the operator's medicaid provider agreement to 25871  
reflect the ICF/IID's reduced medicaid-certified capacity if the 25872  
ICF/IID's medicaid-certified capacity is reduced. 25873

(3) In the case of action taken under division (D)(2)(a) of 25874  
this section, the operator is not entitled to notice or a hearing 25875  
under Chapter 119. of the Revised Code before the medicaid 25876  
director terminates the medicaid provider agreement. 25877

**Sec. 5124.61.** (A) For the purpose of increasing the number of 25878  
slots available for home and community-based services ~~and subject~~ 25879  
~~to sections 5124.63 and 5124.64 of the Revised Code~~, a person who 25880  
acquires, through a request for proposals issued by the director 25881  
of developmental disabilities, an ICF/IID for which a residential 25882  
facility license was previously surrendered or revoked may convert 25883  
some or all of the ICF/IID's beds from providing ICF/IID services 25884  
to providing home and community-based services if all of the 25885  
following requirements are met: 25886

(1) The person provides the directors of health and 25887  
developmental disabilities and medicaid director at least ninety 25888  
days' notice of the person's intent to make the conversion. 25889

(2) The person complies with the requirements of sections 25890  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 25891  
termination if those requirements are applicable. 25892

(3) If the person intends to convert all of the ICF/IID's 25893  
beds, the person notifies each of the ICF/IID's residents that the 25894  
ICF/IID is to cease providing ICF/IID services and informs each 25895  
resident that the resident may do either of the following: 25896

(a) Continue to receive ICF/IID services by transferring to 25897  
another ICF/IID willing and able to accept the resident if the 25898  
resident continues to qualify for ICF/IID services; 25899

(b) Begin to receive home and community-based services 25900  
instead of ICF/IID services from any provider of home and 25901  
community-based services that is willing and able to provide the 25902  
services to the resident if the resident is eligible for the 25903  
services and a slot for the services is available to the resident. 25904

(4) If the person intends to convert some but not all of the 25905  
ICF/IID's beds, the person notifies each of the ICF/IID's 25906  
residents that the ICF/IID is to convert some of its beds from 25907

providing ICF/IID services to providing home and community-based 25908  
services and inform each resident that the resident may do either 25909  
of the following: 25910

(a) Continue to receive ICF/IID services from any that is 25911  
willing and able to provide the services to the resident if the 25912  
resident continues to qualify for ICF/IID services; 25913

(b) Begin to receive home and community-based services 25914  
instead of ICF/IID services from any provider of home and 25915  
community-based services that is willing and able to provide the 25916  
services to the resident if the resident is eligible for the 25917  
services and a slot for the services is available to the resident. 25918

(5) The person meets the requirements for providing home and 25919  
community-based services at a residential facility. 25920

(B) The notice provided to the directors under division 25921  
(A)(1) of this section shall specify whether some or all of the 25922  
ICF/IID's beds are to be converted. If some but not all of the 25923  
beds are to be converted, the notice shall specify how many of the 25924  
ICF/IID's beds are to be converted and how many of the beds are to 25925  
continue to provide ICF/IID services. 25926

(C) On receipt of a notice under division (A)(1) of this 25927  
section, the director of health shall do the following: 25928

(1) Terminate the ICF/IID's medicaid certification if the 25929  
notice specifies that all of the facility's beds are to be 25930  
converted; 25931

(2) Reduce the ICF/IID's medicaid-certified capacity by the 25932  
number of beds being converted if the notice specifies that some 25933  
but not all of the beds are to be converted. 25934

(D) The director of health shall notify the medicaid director 25935  
of the termination or reduction under division (C) of this 25936  
section. On receipt of the director of health's notice, the 25937

medicaid director shall do the following: 25938

(1) Terminate the person's medicaid provider agreement that 25939  
authorizes the person to provide ICF/IID services at the ICF/IID 25940  
if the ICF/IID's medicaid certification was terminated; 25941

(2) Amend the person's medicaid provider agreement to reflect 25942  
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's 25943  
medicaid-certified capacity is reduced. 25944

The person is not entitled to notice or a hearing under 25945  
Chapter 119. of the Revised Code before the medicaid director 25946  
terminates or amends the medicaid provider agreement. 25947

**Sec. 5124.62.** ~~Subject to section 5124.63 of the Revised Code,~~ 25948  
~~the~~ The director of developmental disabilities may request that 25949  
the medicaid director seek the approval of the United States 25950  
secretary of health and human services to increase the number of 25951  
slots available for home and community-based services by a number 25952  
not exceeding the number of beds that were part of the licensed 25953  
capacity of a residential facility that had its license revoked or 25954  
surrendered under section 5123.19 of the Revised Code if the 25955  
residential facility was an ICF/IID at the time of the license 25956  
revocation or surrender. ~~The revocation or surrender may have~~ 25957  
~~occurred before, or may occur on or after, June 24, 2008.~~ The 25958  
request may include beds the director of developmental 25959  
disabilities removed from such a residential facility's licensed 25960  
capacity before transferring ownership or operation of the 25961  
residential facility pursuant to a request for proposals. 25962

**Sec. 5124.67.** (A)(1) The department of developmental 25963  
disabilities shall strive to achieve, not later than July 1, 2018, 25964  
the following statewide reductions in ICF/IID beds: 25965

~~(1)(a)~~ (a) At least five hundred ~~and not more than six hundred~~ 25966  
beds in ICFs/IID that, before becoming downsized ICFs/IID, have 25967



sixteen or more beds; 25968

~~(2)(b)~~ At least five hundred ~~and not more than six hundred~~ 25969  
beds in ICFs/IID with any number of beds that convert some or all 25970  
of their beds from providing ICF/IID services to providing home 25971  
and community-based services pursuant to section 5124.60 or 25972  
5124.61 of the Revised Code. 25973

(2) The department shall strive to achieve a reduction of at 25974  
least one thousand two hundred ICF/IID beds through a combination 25975  
of the methods specified in divisions (A)(1)(a) and (b) of this 25976  
section. 25977

(B) In its efforts to achieve the reductions under division 25978  
(A) of this section, the department shall collaborate with the 25979  
Ohio association of county boards serving people with 25980  
developmental disabilities, the Ohio provider resource 25981  
association, the Ohio centers for intellectual disabilities formed 25982  
by the Ohio health care association, and the values and faith 25983  
alliance. The collaboration efforts may include the following: 25984

(1) Identifying ICFs/IID that may reduce the number of their 25985  
beds to help achieve the reductions under division (A) of this 25986  
section; 25987

(2) Encouraging ICF/IID providers to reduce the number of 25988  
their ICFs/IID's beds; 25989

(3) Establishing interim time frames for making progress in 25990  
achieving the reductions; 25991

(4) Creating incentives for, and removing impediments to, the 25992  
reductions; 25993

(5) In the case of ICF/IID beds that are converted to 25994  
providing home and community-based services, developing a 25995  
mechanism to compensate providers for beds that permanently cease 25996  
to provide ICF/IID services. 25997

(C) The department shall meet not less than twice each year 25998  
with the organizations specified in division (B) of this section 25999  
to do all of the following: 26000

(1) Review the progress being made in achieving the 26001  
reductions under division (A) of this section; 26002

(2) Prepare written reports on the progress; 26003

(3) Identify additional measures needed to achieve the 26004  
reductions. 26005

**Sec. 5126.01.** As used in this chapter: 26006

(A) As used in this division, "adult" means an individual who 26007  
is eighteen years of age or over and not enrolled in a program or 26008  
service under Chapter 3323. of the Revised Code and an individual 26009  
sixteen or seventeen years of age who is eligible for adult 26010  
services under rules adopted by the director of developmental 26011  
disabilities pursuant to Chapter 119. of the Revised Code. 26012

(1) "Adult services" means services provided to an adult 26013  
outside the home, except when they are provided within the home 26014  
according to an individual's assessed needs and identified in an 26015  
individual service plan, that support learning and assistance in 26016  
the area of self-care, sensory and motor development, 26017  
socialization, daily living skills, communication, community 26018  
living, social skills, or vocational skills. 26019

(2) "Adult services" includes all of the following: 26020

(a) Adult day habilitation services; 26021

(b) ~~Adult day care;~~ 26022

~~(c) Prevocational Employment services;~~ 26023

~~(d) Sheltered employment;~~ 26024

~~(e)~~(c) Educational experiences and training obtained through 26025  
entities and activities that are not expressly intended for 26026

individuals with mental retardation and developmental 26027  
disabilities, including trade schools, vocational or technical 26028  
schools, adult education, job exploration and sampling, unpaid 26029  
work experience in the community, volunteer activities, and 26030  
spectator sports; 26031

~~(f) Community employment services and supported employment 26032  
services. 26033~~

(B)(1) "Adult day habilitation services" means adult services 26034  
that do the following: 26035

(a) Provide access to and participation in typical activities 26036  
and functions of community life that are desired and chosen by the 26037  
general population, including such activities and functions as 26038  
opportunities to experience and participate in community 26039  
exploration, companionship with friends and peers, leisure 26040  
activities, hobbies, maintaining family contacts, community 26041  
events, and activities where individuals without disabilities are 26042  
involved; 26043

(b) Provide supports or a combination of training and 26044  
supports that afford an individual a wide variety of opportunities 26045  
to facilitate and build relationships and social supports in the 26046  
community. 26047

(2) "Adult day habilitation services" includes all of the 26048  
following: 26049

(a) Personal care services needed to ensure an individual's 26050  
ability to experience and participate in vocational services, 26051  
educational services, community activities, and any other adult 26052  
day habilitation services; 26053

(b) Skilled services provided while receiving adult day 26054  
habilitation services, including such skilled services as behavior 26055  
management intervention, occupational therapy, speech and language 26056  
therapy, physical therapy, and nursing services; 26057

(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;

~~(e) Counseling and assistance provided to obtain housing, including such counseling as identifying options for either rental or purchase, identifying financial resources, assessing needs for environmental modifications, locating housing, and planning for ongoing management and maintenance of the housing selected;~~

~~(f)~~(e) Transportation necessary to access adult day habilitation services;

~~(g)~~(f) Habilitation management, as described in section 5126.14 of the Revised Code.

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

(D) "Community employment," "competitive employment," and

"integrated setting" have the same meanings as in section 5123.022 26088  
of the Revised Code. 26089

(E) "Supported employment services" means vocational 26090  
assessment, job training and coaching, job development and 26091  
placement, worksite accessibility, and other services related to 26092  
employment outside a sheltered workshop. "Supported employment 26093  
services" includes both of the following: 26094

(1) Job training resulting in the attainment of community 26095  
employment, supported work in a typical work environment, or 26096  
self-employment; 26097

(2) Support for ongoing community employment, supported work 26098  
at community-based sites, or self-employment. 26099

(F) As used in this division, ~~"substantial functional 26100  
limitation," "developmental delay," and "established risk" have 26101  
has the meanings meaning established pursuant to section 5123.011 26102  
of the Revised Code. 26103~~

"Developmental disability" means a severe, chronic disability 26104  
that is characterized by all of the following: 26105

(1) It is attributable to a mental or physical impairment or 26106  
a combination of mental and physical impairments, other than a 26107  
mental or physical impairment solely caused by mental illness as 26108  
defined in division (A) of section 5122.01 of the Revised Code; 26109

(2) It is manifested before age twenty-two; 26110

(3) It is likely to continue indefinitely; 26111

(4) It results in one of the following: 26112

(a) In the case of a person under age three, at least one 26113  
developmental delay or ~~an established risk~~ a diagnosed physical or 26114  
mental condition that has a high probability of resulting in a 26115  
developmental delay; 26116

(b) In the case of a person at least age three but under age 26117

six, at least two developmental delays ~~or an established risk~~; 26118

(c) In the case of a person age six or older, a substantial 26119  
functional limitation in at least three of the following areas of 26120  
major life activity, as appropriate for the person's age: 26121  
self-care, receptive and expressive language, learning, mobility, 26122  
self-direction, capacity for independent living, and, if the 26123  
person is at least age sixteen, capacity for economic 26124  
self-sufficiency. 26125

(5) It causes the person to need a combination and sequence 26126  
of special, interdisciplinary, or other type of care, treatment, 26127  
or provision of services for an extended period of time that is 26128  
individually planned and coordinated for the person. 26129

(G) "Early childhood services" means a planned program of 26130  
habilitation designed to meet the needs of individuals with mental 26131  
retardation or other developmental disabilities who have not 26132  
attained compulsory school age. 26133

(H) "Employment services" means prevocational services or 26134  
supported employment services. 26135

(I)(1) "Environmental modifications" means the physical 26136  
adaptations to an individual's home, specified in the individual's 26137  
service plan, that are necessary to ensure the individual's 26138  
health, safety, and welfare or that enable the individual to 26139  
function with greater independence in the home, and without which 26140  
the individual would require institutionalization. 26141

(2) "Environmental modifications" includes such adaptations 26142  
as installation of ramps and grab-bars, widening of doorways, 26143  
modification of bathroom facilities, and installation of 26144  
specialized electric and plumbing systems necessary to accommodate 26145  
the individual's medical equipment and supplies. 26146

(3) "Environmental modifications" does not include physical 26147  
adaptations or improvements to the home that are of general 26148

utility or not of direct medical or remedial benefit to the 26149  
individual, including such adaptations or improvements as 26150  
carpeting, roof repair, and central air conditioning. 26151

(J) "Family support services" means the services provided 26152  
under a family support services program operated under section 26153  
5126.11 of the Revised Code. 26154

(K) "Habilitation" means the process by which the staff of 26155  
the facility or agency assists an individual with mental 26156  
retardation or other developmental disability in acquiring and 26157  
maintaining those life skills that enable the individual to cope 26158  
more effectively with the demands of the individual's own person 26159  
and environment, and in raising the level of the individual's 26160  
personal, physical, mental, social, and vocational efficiency. 26161  
Habilitation includes, but is not limited to, programs of formal, 26162  
structured education and training. 26163

(L) "Home and community-based services" has the same meaning 26164  
as in section 5123.01 of the Revised Code. 26165

(M) "ICF/IID" has the same meaning as in section 5124.01 of 26166  
the Revised Code. 26167

(N) "Immediate family" means parents, grandparents, brothers, 26168  
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 26169  
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 26170  
daughters-in-law. 26171

(O) "Medicaid case management services" means case management 26172  
services provided to an individual with mental retardation or 26173  
other developmental disability that the state medicaid plan 26174  
requires. 26175

(P) "Mental retardation" means a mental impairment manifested 26176  
during the developmental period characterized by significantly 26177  
subaverage general intellectual functioning existing concurrently 26178  
with deficiencies in the effectiveness or degree with which an 26179

individual meets the standards of personal independence and social 26180  
responsibility expected of the individual's age and cultural 26181  
group. 26182

(Q) "Prevocational services" means services, ~~including~~ 26183  
~~services as a volunteer,~~ that provide learning and work 26184  
experiences, including volunteer work experiences, from which an 26185  
individual can develop general strengths and skills that are not 26186  
specific to a particular task or job but contribute to 26187  
employability in community employment, supported work at 26188  
community-based sites, or self-employment. 26189

(R) "Residential services" means services to individuals with 26190  
mental retardation or other developmental disabilities to provide 26191  
housing, food, clothing, habilitation, staff support, and related 26192  
support services necessary for the health, safety, and welfare of 26193  
the individuals and the advancement of their quality of life. 26194  
"Residential services" includes program management, as described 26195  
in section 5126.14 of the Revised Code. 26196

(S) "Resources" means available capital and other assets, 26197  
including moneys received from the federal, state, and local 26198  
governments, private grants, and donations; appropriately 26199  
qualified personnel; and appropriate capital facilities and 26200  
equipment. 26201

(T) "Senior probate judge" means the current probate judge of 26202  
a county who has served as probate judge of that county longer 26203  
than any of the other current probate judges of that county. If a 26204  
county has only one probate judge, "senior probate judge" means 26205  
that probate judge. 26206

(U) "Service and support administration" means the duties 26207  
performed by a service and support administrator pursuant to 26208  
section 5126.15 of the Revised Code. 26209

(V)(1) "Specialized medical, adaptive, and assistive 26210



equipment, supplies, and supports" means equipment, supplies, and 26211  
supports that enable an individual to increase the ability to 26212  
perform activities of daily living or to perceive, control, or 26213  
communicate within the environment. 26214

(2) "Specialized medical, adaptive, and assistive equipment, 26215  
supplies, and supports" includes the following: 26216

(a) Eating utensils, adaptive feeding dishes, plate guards, 26217  
mylatex straps, hand splints, reaches, feeder seats, adjustable 26218  
pointer sticks, interpreter services, telecommunication devices 26219  
for the deaf, computerized communications boards, other 26220  
communication devices, support animals, veterinary care for 26221  
support animals, adaptive beds, supine boards, prone boards, 26222  
wedges, sand bags, sidelayers, bolsters, adaptive electrical 26223  
switches, hand-held shower heads, air conditioners, humidifiers, 26224  
emergency response systems, folding shopping carts, vehicle lifts, 26225  
vehicle hand controls, other adaptations of vehicles for 26226  
accessibility, and repair of the equipment received. 26227

(b) Nondisposable items not covered by medicaid that are 26228  
intended to assist an individual in activities of daily living or 26229  
instrumental activities of daily living. 26230

(W) "Supportive home services" means a range of services to 26231  
families of individuals with mental retardation or other 26232  
developmental disabilities to develop and maintain increased 26233  
acceptance and understanding of such persons, increased ability of 26234  
family members to teach the person, better coordination between 26235  
school and home, skills in performing specific therapeutic and 26236  
management techniques, and ability to cope with specific 26237  
situations. 26238

(X)(1) "Supported living" means services provided for as long 26239  
as twenty-four hours a day to an individual with mental 26240  
retardation or other developmental disability through any public 26241

or private resources, including moneys from the individual, that 26242  
enhance the individual's reputation in community life and advance 26243  
the individual's quality of life by doing the following: 26244

(a) Providing the support necessary to enable an individual 26245  
to live in a residence of the individual's choice, with any number 26246  
of individuals who are not disabled, or with not more than three 26247  
individuals with mental retardation and developmental disabilities 26248  
unless the individuals are related by blood or marriage; 26249

(b) Encouraging the individual's participation in the 26250  
community; 26251

(c) Promoting the individual's rights and autonomy; 26252

(d) Assisting the individual in acquiring, retaining, and 26253  
improving the skills and competence necessary to live successfully 26254  
in the individual's residence. 26255

(2) "Supported living" includes the provision of all of the 26256  
following: 26257

(a) Housing, food, clothing, habilitation, staff support, 26258  
professional services, and any related support services necessary 26259  
to ensure the health, safety, and welfare of the individual 26260  
receiving the services; 26261

(b) A combination of lifelong or extended-duration 26262  
supervision, training, and other services essential to daily 26263  
living, including assessment and evaluation and assistance with 26264  
the cost of training materials, transportation, fees, and 26265  
supplies; 26266

(c) Personal care services and homemaker services; 26267

(d) Household maintenance that does not include modifications 26268  
to the physical structure of the residence; 26269

(e) Respite care services; 26270

(f) Program management, as described in section 5126.14 of 26271

the Revised Code. 26272

**Sec. 5126.02.** (A) Each county shall have its own county board 26273  
of developmental disabilities. Subject to division (B) of this 26274  
section: 26275

(1) A county board shall be operated as a separate 26276  
administrative and service entity. 26277

(2) The functions of a county board shall not be combined 26278  
with the functions of any other entity of county government. 26279

(B) Division (A) of this section does not prohibit or 26280  
restrict any county board from sharing administrative functions or 26281  
personnel with one or more other county boards, including entering 26282  
into an arrangement authorized by division (B) of section 26283  
5126.0219 of the Revised Code or an agreement with one or more 26284  
other county boards to share the services of any employee. 26285

**Sec. 5126.022.** When making appointments to a county board of 26286  
developmental disabilities, an appointing authority shall do all 26287  
of the following: 26288

(A) Appoint only individuals who are residents of the county 26289  
the appointing authority serves, citizens of the United States, 26290  
and interested and knowledgeable in the field of mental 26291  
retardation and other allied fields; 26292

(B) If the appointing authority is a board of county 26293  
commissioners, appoint at least two individuals who are eligible 26294  
for services provided by the county board or are immediate family 26295  
members of such individuals ~~eligible for services provided by the~~ 26296  
~~county board and.~~ The board of county commissioners shall, 26297  
whenever possible, ensure that one of those two members is an 26298  
individual eligible for adult services or an immediate family 26299  
member of an individual eligible for adult services and the other 26300  
is an immediate family member of an individual eligible for early 26301

intervention services or services for preschool or school-age children; 26302  
26303

(C) If the appointing authority is a senior probate judge, 26304  
appoint at least one individual who is an immediate family member 26305  
of an individual eligible for residential services or supported 26306  
living; 26307

(D) Appoint, to the maximum extent possible, individuals who 26308  
have professional training and experience in business management, 26309  
finance, law, health care practice, personnel administration, or 26310  
government service; 26311

(E) Provide for the county board's membership to reflect, as 26312  
nearly as possible, the composition of the county that the county 26313  
board serves. 26314

**Sec. 5126.0219.** (A) Each county board of developmental 26315  
disabilities shall either employ a superintendent or obtain the 26316  
services of the superintendent of another county board of 26317  
developmental disabilities. The board shall provide for a 26318  
superintendent who is qualified, as specified in rules adopted by 26319  
the department of developmental disabilities in accordance with 26320  
Chapter 119. of the Revised Code. The superintendent shall have no 26321  
voting privileges on the board. 26322

If the superintendent position becomes vacant, the county 26323  
board first shall consider entering into an agreement with another 26324  
county board for the sharing of a superintendent under division 26325  
(B) of this section. If the county board determines there are no 26326  
significant efficiencies or it is impractical to share a 26327  
superintendent, the county board may employ a superintendent in 26328  
accordance with this section to fill the vacancy. 26329

The board shall prescribe the duties of its superintendent 26330  
and review the superintendent's performance. The superintendent 26331

may be removed, suspended, or demoted for cause pursuant to 26332  
section 5126.23 of the Revised Code. The board shall fix the 26333  
superintendent's compensation and reimburse the superintendent for 26334  
actual and necessary expenses. 26335

Each county board that employs its own superintendent shall 26336  
employ the superintendent under a contract. To enter into a 26337  
contract, the board shall adopt a resolution agreeing to the 26338  
contract. Each contract for employment or re-employment of a 26339  
superintendent shall be for a term of not less than one and not 26340  
more than five years. At the expiration of a superintendent's 26341  
current term of employment, the superintendent may be re-employed. 26342  
If the board intends not to re-employ the superintendent, the 26343  
board shall give the superintendent written notification of its 26344  
intention. The notice shall be given not less than ninety days 26345  
prior to the expiration of the superintendent's contract. 26346

(B) Two or more county boards may enter into an arrangement 26347  
under which the superintendent of one county board acts as the 26348  
superintendent of another county board. To enter into such an 26349  
arrangement, each board shall adopt a resolution agreeing to the 26350  
arrangement. The resolutions shall specify the duration of the 26351  
arrangement and the contribution each board is to make to the 26352  
superintendent's compensation and reimbursement for expenses. 26353

(C) If a vacancy occurs in the position of superintendent, a 26354  
county board may appoint a person who holds a valid 26355  
superintendent's certificate issued under the rules of the 26356  
department to work under a contract for an interim period not to 26357  
exceed one hundred eighty days until a permanent superintendent 26358  
can be employed or arranged for under division (A) or (B) of this 26359  
section. The director of the department may approve additional 26360  
periods of time for these types of interim appointments when so 26361  
requested by a resolution adopted by a county board, if the 26362  
director determines that the additional periods are warranted and 26363

the services of a permanent superintendent are not available. 26364

**Sec. 5126.041.** (A) As used in this section: 26365

(1) ~~"Biological risk" and "environmental risk" have the~~ 26366  
~~meanings established pursuant to section 5123.011 of the Revised~~ 26367  
~~Code.~~ 26368

~~(2)~~ "Preschool child with a disability" has the same meaning 26369  
as in section 3323.01 of the Revised Code. 26370

~~(3)~~(2) "State institution" means all or part of an 26371  
institution under the control of the department of developmental 26372  
disabilities pursuant to section 5123.03 of the Revised Code and 26373  
maintained for the care, treatment, and training of the mentally 26374  
retarded. 26375

(B) Except as provided in division (C) of this section, each 26376  
county board of developmental disabilities shall make eligibility 26377  
determinations in accordance with the definition of "developmental 26378  
disability" in section 5126.01 of the Revised Code. Pursuant to 26379  
~~rules the department of developmental disabilities shall adopt in~~ 26380  
~~accordance with Chapter 119. adopted under section 5123.012~~ of the 26381  
Revised Code, a county board may establish eligibility for 26382  
programs and services for ~~either of the following:~~ 26383

~~(1) Individuals under age six who have a biological risk or~~ 26384  
~~environmental risk of a developmental delay:~~ 26385

~~(2) Any~~ any preschool child with a disability eligible for 26386  
services under section 3323.02 of the Revised Code whose 26387  
disability is not attributable solely to mental illness as defined 26388  
in section 5122.01 of the Revised Code. 26389

(C)(1) A county board shall make determinations of 26390  
eligibility for service and support administration in accordance 26391  
with rules adopted under section 5126.08 of the Revised Code. 26392

(2) All persons who were eligible for services and enrolled 26393

in programs offered by a county board of developmental 26394  
disabilities pursuant to this chapter on July 1, 1991, shall 26395  
continue to be eligible for those services and to be enrolled in 26396  
those programs as long as they are in need of services. 26397

(3) A person who resided in a state institution on or before 26398  
October 29, 1993, is eligible for programs and services offered by 26399  
a county board of developmental disabilities, unless the person is 26400  
determined by the county board not to be in need of those programs 26401  
and services. 26402

(D) A county board shall refer a person who requests but is 26403  
not eligible for programs and services offered by the board to 26404  
other entities of state and local government or appropriate 26405  
private entities that provide services. 26406

(E) Membership of a person on, or employment of a person by, 26407  
a county board of developmental disabilities does not affect the 26408  
eligibility of any member of that person's family for services 26409  
provided by the board or by any entity under contract with the 26410  
board. 26411

**Sec. 5126.046.** (A) Except as otherwise provided by 42 C.F.R. 26412  
431.51, an individual with mental retardation or other 26413  
developmental disability who is eligible for home and 26414  
community-based services has the right to obtain the services from 26415  
any provider of the services that is qualified to furnish the 26416  
services and is willing to furnish the services to the individual. 26417  
A county board of developmental disabilities that has medicaid 26418  
local administrative authority under division (A) of section 26419  
5126.055 of the Revised Code for home and community-based services 26420  
and refuses to permit an individual to obtain home and 26421  
community-based services from a qualified and willing provider 26422  
shall provide the individual timely notice that the individual may 26423  
~~request a hearing~~ appeal under section ~~5101.35~~ 5160.31 of the 26424

Revised Code. 26425

(B) An individual with mental retardation or other 26426  
developmental disability who is eligible for nonmedicaid 26427  
residential services or nonmedicaid supported living has the right 26428  
to obtain the services from any provider of the residential 26429  
services or supported living that is qualified to furnish the 26430  
residential services or supported living and is willing to furnish 26431  
the residential services or supported living to the individual. 26432

(C) The department of developmental disabilities shall make 26433  
available to the public on its internet web site an up-to-date 26434  
list of all providers of home and community-based services, 26435  
nonmedicaid residential services, and nonmedicaid supported 26436  
living. County boards shall assist individuals with mental 26437  
retardation or other developmental disabilities and the families 26438  
of such individuals access the list on the department's internet 26439  
web site. 26440

(D) The director of developmental disabilities shall adopt 26441  
rules in accordance with Chapter 119. of the Revised Code 26442  
governing the implementation of this section. The rules shall 26443  
include procedures for individuals to choose their providers. ~~The~~ 26444  
~~rules shall not be limited by a provider selection system~~ 26445  
~~established under section 5126.42 of the Revised Code, including~~ 26446  
~~any pool of providers created pursuant to a provider selection~~ 26447  
~~system.~~ 26448

**Sec. 5126.051.** (A) To the extent that resources are 26449  
available, a county board of developmental disabilities shall 26450  
provide for or arrange residential services and supported living 26451  
for individuals with mental retardation and developmental 26452  
disabilities. 26453

A county board may acquire, convey, lease, or sell property 26454  
for residential services and supported living and enter into loan 26455



agreements, including mortgages, for the acquisition of such 26456  
property. A county board is not required to comply with provisions 26457  
of Chapter 307. of the Revised Code providing for competitive 26458  
bidding or sheriff sales in the acquisition, lease, conveyance, or 26459  
sale of property under this division, but the acquisition, lease, 26460  
conveyance, or sale must be at fair market value determined by 26461  
appraisal of one or more disinterested persons appointed by the 26462  
board. 26463

Any action taken by a county board under this division that 26464  
will incur debt on the part of the county shall be taken in 26465  
accordance with Chapter 133. of the Revised Code. A county board 26466  
shall not incur any debt on the part of the county without the 26467  
prior approval of the board of county commissioners. 26468

(B)(1) To the extent that resources are available, a county 26469  
board shall provide or arrange for the provision of adult services 26470  
to individuals who are age eighteen and older and not enrolled in 26471  
a program or service under Chapter 3323. of the Revised Code or 26472  
age sixteen or seventeen and eligible for adult services under 26473  
rules adopted by the director of developmental disabilities under 26474  
Chapter 119. of the Revised Code. These services shall be provided 26475  
in accordance with the individual's individual service plan and 26476  
shall include support services specified in the plan. 26477

(2) Any prevocational services shall be provided in 26478  
accordance with the individual's individual service plan and occur 26479  
over a specified period of time with specific outcomes sought to 26480  
be achieved. 26481

(3) A county board may, in cooperation with the opportunities 26482  
for Ohioans with disabilities agency, seek federal funds for job 26483  
training or other services ~~directly~~ directed at helping 26484  
individuals obtain community employment. 26485

(4) A county board may contract with any agency, board, or 26486

other entity that is accredited by the commission on accreditation 26487  
of rehabilitation facilities to provide services. A county board 26488  
that is accredited by the commission on accreditation of 26489  
rehabilitation facilities may provide services for which it is 26490  
certified by the commission. 26491

(C) To the extent that resources are available, a county 26492  
board may provide services to an individual with mental 26493  
retardation or other developmental disability in addition to those 26494  
provided pursuant to this section, section 5126.05 of the Revised 26495  
Code, or any other section of this chapter. The services shall be 26496  
provided in accordance with the individual's individual service 26497  
plan and may be provided in collaboration with other entities of 26498  
state or local government. 26499

**Sec. 5126.08.** (A) The director of developmental disabilities 26500  
shall adopt rules in accordance with Chapter 119. of the Revised 26501  
Code for all programs and services offered by a county board of 26502  
developmental disabilities. Such rules shall include, but are not 26503  
limited to, the following: 26504

(1) Determination of what constitutes a program or service; 26505

(2) Standards to be followed by a board in administering, 26506  
providing, arranging, or operating programs and services; 26507

(3) Standards for determining the nature and degree of mental 26508  
retardation, including mild mental retardation, or developmental 26509  
disability; 26510

(4) Standards and procedures for ~~determining~~ making 26511  
eligibility determinations for the programs and services ~~under~~ 26512  
~~section 5126.15 of the Revised Code;~~ 26513

(5) Procedures for obtaining consent for the arrangement of 26514  
services under section 5126.31 of the Revised Code and for 26515  
obtaining signatures on individual service plans under that 26516

section;	26517
(6) Specification of the service and support administration to be provided by a county board and standards for resolving grievances in connection with service and support administration.	26518 26519 26520
(B) The director shall be the final authority in determining the nature and degree of mental retardation or developmental disability.	26521 26522 26523
<b>Sec. 5126.21.</b> As used in this section, "management employee" does not include the superintendent of a county board of developmental disabilities.	26524 26525 26526
(A)(1) Each management employee of a county board of developmental disabilities shall hold a limited contract for a period of not less than one year and not more than five years, except that a management employee hired after the beginning of a program year may be employed under a limited contract expiring at the end of the program year. The board shall approve all contracts of employment for management employees that are for a term of more than one year. A management employee shall receive notice of the superintendent's intention not to rehire the employee at least ninety days prior to the expiration of the contract.	26527 26528 26529 26530 26531 26532 26533 26534 26535 26536
(2) During the term of a contract a management employee's salary may be increased, but shall not be reduced unless the reduction is part of a uniform plan affecting all employees of the board.	26537 26538 26539 26540
(B) All management employees may be removed, suspended, or demoted for cause pursuant to section 5126.23 of the Revised Code.	26541 26542
(C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.	26543 26544 26545
(D) The superintendent of a county board of developmental	26546

disabilities shall notify all management employees of the board of 26547  
their salary no later than thirty days before the first day of the 26548  
new contract year. 26549

(E) Each county board of developmental disabilities shall 26550  
establish a lay-off policy to be followed if it determines a 26551  
reduction in the number of management employees is necessary. 26552

(F) If a management employee position becomes vacant, the 26553  
superintendent first shall consider whether to enter into an 26554  
agreement with another county board for the sharing of personnel 26555  
under 5126.02 of the Revised Code. If the superintendent 26556  
determines there are no significant efficiencies or it is 26557  
impractical to share personnel, the superintendent may employ a 26558  
management employee to fill the vacancy. 26559

**Sec. 5126.25.** (A) The director of developmental disabilities 26560  
shall adopt rules under division (C) of this section establishing 26561  
uniform standards and procedures for the certification and 26562  
registration of persons, other than the persons described in 26563  
division (I) of this section, who are seeking employment with or 26564  
are employed by either of the following: 26565

(1) A county board of developmental disabilities; 26566

(2) An entity that contracts with a county board to operate 26567  
programs and services for individuals with mental retardation or 26568  
developmental disabilities. 26569

(B) No person shall be employed in a position for which 26570  
certification or registration is required pursuant to the rules 26571  
adopted under this section without the certification or 26572  
registration that is required for that position. The person shall 26573  
not be employed or shall not continue to be employed if the 26574  
required certification or registration is denied, revoked, or not 26575  
renewed. 26576

(C) The director shall adopt rules in accordance with Chapter 26577  
119. of the Revised Code as the director considers necessary to 26578  
implement and administer this section, including rules 26579  
establishing all of the following: 26580

(1) Positions of employment that are subject to this section 26581  
and, for each position, whether a person must receive 26582  
certification or receive registration to be employed in that 26583  
position; 26584

(2) Requirements that must be met to receive the 26585  
certification or registration required to be employed in a 26586  
particular position, including standards regarding education, 26587  
specialized training, and experience, taking into account the 26588  
needs of individuals with mental retardation or developmental 26589  
disabilities and the specialized techniques needed to serve them, 26590  
except that the rules shall not require a person designated as a 26591  
service employee under section 5126.22 of the Revised Code to have 26592  
or obtain a bachelor's or higher degree; 26593

(3) Procedures to be followed in applying for initial 26594  
certification or registration and for renewing the certification 26595  
or registration. 26596

(4) Requirements that must be met for renewal of 26597  
certification or registration, which may include continuing 26598  
education and professional training requirements; 26599

(5) Subject to section 5126.23 of the Revised Code, grounds 26600  
for which certification or registration may be denied, suspended, 26601  
or revoked and procedures for appealing the denial, suspension, or 26602  
revocation. 26603

(D) Each person seeking certification or registration for 26604  
employment shall apply in the manner established in rules adopted 26605  
under this section. 26606

(E)(1) Except as provided in division (E)(2) of this section, 26607

the superintendent of each county board is responsible for taking 26608  
all actions regarding certification and registration of employees, 26609  
other than the position of superintendent, early intervention 26610  
supervisor, early intervention specialist, or investigative agent. 26611  
For the position of superintendent, early intervention supervisor, 26612  
early intervention specialist, or investigative agent, the 26613  
director of developmental disabilities is responsible for taking 26614  
all such actions. 26615

Actions that may be taken by the superintendent or director 26616  
include issuing, renewing, denying, suspending, and revoking 26617  
certification and registration. All actions shall be taken in 26618  
accordance with the rules adopted under this section. 26619

The superintendent may charge a fee to persons applying for 26620  
certification or registration. The superintendent shall establish 26621  
the amount of the fee according to the costs the county board 26622  
incurs in administering its program for certification and 26623  
registration of employees. 26624

A person subject to the denial, suspension, or revocation of 26625  
certification or registration may appeal the decision. The appeal 26626  
shall be made in accordance with the rules adopted under this 26627  
section. 26628

(2) Pursuant to division (C) of section 5126.05 of the 26629  
Revised Code, the superintendent may enter into a contract with 26630  
any other entity under which the entity is given authority to 26631  
carry out all or part of the superintendent's responsibilities 26632  
under division (E)(1) of this section. 26633

(F) A person with valid certification or registration under 26634  
this section on the effective date of any rules adopted under this 26635  
section that increase the standards applicable to the 26636  
certification or registration shall have such period as the rules 26637  
prescribe, but not less than one year after the effective date of 26638

the rules, to meet the new certification or registration standards. 26639  
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(G) A person with valid certification or registration is qualified to be employed according to that certification or registration by any county board or entity contracting with a county board. 26641  
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(H) The director shall monitor county boards to ensure that their employees and the employees of their contracting entities have the applicable certification or registration required under this section and that the employees are performing only those functions they are authorized to perform under the certification or registration. The superintendent of each county board or the superintendent's designee shall maintain in appropriate personnel files evidence acceptable to the director that the employees have met the requirements. On request, representatives of the department of developmental disabilities shall be given access to the evidence. 26645  
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(I) The certification and registration requirements of this section and the rules adopted under it do not apply to either of the following: 26656  
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(1) A person who holds a valid license issued or certificate issued under Chapter 3319. of the Revised Code and performs no duties other than teaching or supervision of a teaching program; 26659  
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(2) A person who holds a valid license or certificate issued under Title XLVII of the Revised Code and performs only those duties governed by the license or certificate. 26662  
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**Sec. 5126.42.** ~~(A) A Each county board of developmental disabilities shall establish an advisory council composed of board members or employees of the board, providers, individuals receiving supported living, and advocates for individuals~~ 26665  
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~~receiving supported living to provide on going communication among~~ 26669  
~~all persons concerned with supported living.~~ 26670

~~(B) The board shall develop~~ procedures for the resolution of 26671  
grievances between the following: 26672

~~(A) The~~ board and providers ~~or between the;~~ 26673

~~(B) The~~ board and an entity with which it has a shared 26674  
funding agreement. 26675

~~(C) The board shall develop and implement a provider~~ 26676  
~~selection system. Each system shall enable an individual to choose~~ 26677  
~~to continue receiving supported living from the same providers, to~~ 26678  
~~select additional providers, or to choose alternative providers.~~ 26679  
Annually, the board shall review its provider selection system to 26680  
determine whether it has been implemented in a manner that allows 26681  
individuals fair and equitable access to providers. 26682

~~In developing a provider selection system, the county board~~ 26683  
~~shall create a pool of providers for individuals to use in~~ 26684  
~~choosing their providers of supported living. The pool shall be~~ 26685  
~~created by placing in the pool all providers on record with the~~ 26686  
~~board or by placing in the pool all providers approved by the~~ 26687  
~~board through soliciting requests for proposals for supported~~ 26688  
~~living contracts. In either case, only providers that are~~ 26689  
~~certified by the director of developmental disabilities may be~~ 26690  
~~placed in the pool.~~ 26691

~~If the board places all providers on record in the pool, the~~ 26692  
~~board shall review the pool at least annually to determine whether~~ 26693  
~~each provider has continued interest in being a provider and has~~ 26694  
~~maintained its certification by the department. At any time, an~~ 26695  
~~interested and certified provider may make a request to the board~~ 26696  
~~that it be added to the pool, and the board shall add the provider~~ 26697  
~~to the pool not later than seven days after receiving the request.~~ 26698

~~If the board solicits requests for proposals for inclusion of~~ 26699



~~providers in the pool, the board shall develop standards for 26700  
selecting the providers to be included. Requests for proposals 26701  
shall be solicited at least annually. When requests are solicited, 26702  
the board shall cause legal notices to be published once each week 26703  
for two consecutive weeks in a newspaper of general circulation 26704  
within the county or as provided in section 7.16 of the Revised 26705  
Code. The board's formal request for proposals shall include a 26706  
description of any applicable contract terms, the standards that 26707  
are used to select providers for inclusion in the pool, and the 26708  
process the board uses to resolve disputes arising from the 26709  
selection process. The board shall accept requests from any entity 26710  
interested in being a provider of supported living for individuals 26711  
served by the board. Requests shall be approved or denied 26712  
according to the standards developed by the board. Providers that 26713  
previously have been placed in the pool are not required to 26714  
resubmit a request for proposal to be included in the pool, unless 26715  
the board's standards have been changed. 26716~~

~~In assisting an individual in choosing a provider, the county 26717  
board shall provide the individual with uniform and consistent 26718  
information pertaining to each provider in the pool. An individual 26719  
may choose to receive supported living from a provider that is not 26720  
included in the pool, if the provider is certified by the director 26721  
of developmental disabilities. 26722~~

**Sec. 5126.43.** (A) After receiving notice from the department 26723  
of developmental disabilities of the amount of state funds to be 26724  
distributed to it for planning, developing, contracting for, and 26725  
providing supported living, the county board of developmental 26726  
disabilities shall arrange for supported living on behalf of and 26727  
with the consent of individuals based on their individual service 26728  
plans developed under section 5126.41 of the Revised Code. With 26729  
the state distribution and any other money designated by the board 26730  
for supported living, the board shall arrange for supported living 26731

in one or more of the following ways: 26732

(1) By contracting under section 5126.45 of the Revised Code 26733  
with providers selected by the individual to be served; 26734

(2) By entering into shared funding agreements with state 26735  
agencies, local public agencies, or political subdivisions at 26736  
rates negotiated by the board; 26737

(3) By providing direct payment or vouchers to be used to 26738  
purchase supported living, pursuant to a written contract in an 26739  
amount determined by the board, to the individual or a person 26740  
providing the individual with protective services as defined in 26741  
section 5123.55 of the Revised Code. 26742

(B) The board may arrange for supported living only with 26743  
providers that are certified by the director of developmental 26744  
disabilities. 26745

When no certified provider is willing and able to provide 26746  
supported living for an individual in accordance with the terms of 26747  
the individual service plan for that individual, a county board 26748  
may provide supported living directly if it is certified by the 26749  
director of developmental disabilities to provide supported 26750  
living. 26751

A county board may, for a period not to exceed ninety days, 26752  
contract for or provide supported living without meeting the 26753  
requirements of this section for an individual it determines to be 26754  
in emergency need of supported living. Thereafter, the individual 26755  
shall choose providers in accordance with sections 5126.046 and 26756  
5126.41 ~~and 5126.42~~ of the Revised Code. 26757

**Sec. 5126.45.** (A) A contract between a county board of 26758  
developmental disabilities and a provider of supported living 26759  
shall be in writing and shall be based on the individual service 26760  
plan developed by the individual under section 5126.41 of the 26761

Revised Code. The plan may be submitted as an addendum to the 26762  
contract. An individual receiving services pursuant to a contract 26763  
shall be considered a third-party beneficiary to the contract. 26764

(B) The contract shall be negotiated between the provider and 26765  
the county board. The terms of the contract shall include at least 26766  
the following: 26767

(1) The contract period and conditions for renewal; 26768

(2) The services to be provided pursuant to the individual 26769  
service plan; 26770

(3) The rights and responsibilities of all parties to the 26771  
contract; 26772

(4) The methods that will be used to evaluate the services 26773  
delivered by the provider; 26774

(5) Procedures for contract modification that ensure all 26775  
parties affected by the modification are involved and agree; 26776

(6) A process for resolving conflicts between individuals 26777  
receiving services, the county board, and the provider, as 26778  
applicable; 26779

(7) Procedures for the retention of applicable records; 26780

(8) Provisions for contract termination by any party involved 26781  
that include requirements for an appropriate notice of intent to 26782  
terminate the contract; 26783

(9) Methods to be used to document services provided; 26784

(10) Procedures for submitting reports required by the county 26785  
board as a condition of receiving payment under the contract; 26786

(11) The method and schedule the board will use to make 26787  
payments to the provider and whether periodic payment adjustments 26788  
will be made to the provider; 26789

(12) Provisions for conducting fiscal reconciliations for 26790

payments made through methods other than a fee-for-service arrangement. 26791  
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(C) Payments to the provider under a supported living contract must be determined by the county board to be reasonable in accordance with policies and procedures developed by the county board. Goods or services provided without charge to the provider shall not be included as expenditures of the provider. 26793  
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(D) The county 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. 26798  
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(E) A provider or an entity with which the county board has entered into a shared funding agreement may ~~appeal a negotiated contract or proposed shared funding rate to~~ seek resolution of grievances with the county board using the procedures established by the county board under section 5126.42 of the Revised Code. 26803  
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**Sec. 5139.05.** (A) The juvenile court may commit any child to the department of youth services as authorized in Chapter 2152. of the Revised Code, provided that any child so committed shall be at least ten years of age at the time of the child's delinquent act, and, if the child is ten or eleven years of age, the delinquent act is a violation of section 2909.03 of the Revised Code or would be aggravated murder, murder, or a first or second degree felony offense of violence if committed by an adult. Any order to commit a child to an institution under the control and management of the department shall have the effect of ordering that the child be committed to the department and assigned to an institution or placed in a community corrections facility in accordance with division (E) of section 5139.36 of the Revised Code as follows: 26808  
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(1) For an indefinite term consisting of the prescribed 26821

minimum period specified by the court under division (A)(1) of 26822  
section 2152.16 of the Revised Code and a maximum period not to 26823  
exceed the child's attainment of twenty-one years of age, if the 26824  
child was committed pursuant to section 2152.16 of the Revised 26825  
Code; 26826

(2) Until the child's attainment of twenty-one years of age, 26827  
if the child was committed for aggravated murder or murder 26828  
pursuant to section 2152.16 of the Revised Code; 26829

(3) For a period of commitment that shall be in addition to, 26830  
and shall be served consecutively with and prior to, a period of 26831  
commitment described in division (A)(1) or (2) of this section, if 26832  
the child was committed pursuant to section 2152.17 of the Revised 26833  
Code; 26834

(4) If the child is ten or eleven years of age, to an 26835  
institution, a residential care facility, a residential facility, 26836  
or a facility licensed by the department of job and family 26837  
services that the department of youth services considers best 26838  
designated for the training and rehabilitation of the child and 26839  
protection of the public. The child shall be housed separately 26840  
from children who are twelve years of age or older until the child 26841  
is released or discharged or until the child attains twelve years 26842  
of age, whichever occurs first. Upon the child's attainment of 26843  
twelve years of age, if the child has not been released or 26844  
discharged, the department is not required to house the child 26845  
separately. 26846

(B)(1) Except as otherwise provided in section 5139.54 of the 26847  
Revised Code, the release authority of the department of youth 26848  
services, in accordance with section 5139.51 of the Revised Code 26849  
and at any time after the end of the minimum period specified 26850  
under division (A)(1) of section 2152.16 of the Revised Code, may 26851  
grant the release from custody of any child committed to the 26852  
department. 26853

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.

(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following:

(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child.

(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code.

(d) The department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age.

(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional

sentence is imposed under section 2152.14 of the Revised Code. 26884

(C) When a child is committed to the department of youth 26885  
services, the department may assign the child to a hospital for 26886  
mental, physical, and other examination, inquiry, or treatment for 26887  
the period of time that is necessary. The department may remove 26888  
any child in its custody to a hospital for observation, and a 26889  
complete report of every observation at the hospital shall be made 26890  
in writing and shall include a record of observation, treatment, 26891  
and medical history and a recommendation for future treatment, 26892  
custody, and maintenance. The department shall thereupon order the 26893  
placement and treatment that it determines to be most conducive to 26894  
the purposes of Chapters 2151. and 5139. of the Revised Code. The 26895  
committing court and all public authorities shall make available 26896  
to the department all pertinent data in their possession with 26897  
respect to the case. 26898

(D) Records maintained by the department of youth services 26899  
pertaining to the children in its custody shall be accessible only 26900  
to department employees, except by consent of the department, upon 26901  
the order of the judge of a court of record, or as provided in 26902  
divisions (D)(1) and (2) of this section. These records shall not 26903  
be considered "public records," as defined in section 149.43 of 26904  
the Revised Code. 26905

(1) Except as otherwise provided by a law of this state or 26906  
the United States, the department of youth services may release 26907  
records that are maintained by the department of youth services 26908  
and that pertain to children in its custody to the department of 26909  
rehabilitation and correction regarding persons who are under the 26910  
jurisdiction of the department of rehabilitation and correction 26911  
and who have previously been committed to the department of youth 26912  
services. The department of rehabilitation and correction may use 26913  
those records for the limited purpose of carrying out the duties 26914  
of the department of rehabilitation and correction. Records 26915

released by the department of youth services to the department of 26916  
rehabilitation and correction shall remain confidential and shall 26917  
not be considered public records as defined in section 149.43 of 26918  
the Revised Code. 26919

(2) The department of youth services shall provide to the 26920  
superintendent of the school district in which a child discharged 26921  
or released from the custody of the department is entitled to 26922  
attend school under section 3313.64 or 3313.65 of the Revised Code 26923  
the records described in divisions (D)(4)(a) to (d) of section 26924  
2152.18 of the Revised Code. Subject to the provisions of section 26925  
3319.321 of the Revised Code and the Family Educational Rights and 26926  
Privacy Act, 20 U.S.C. 1232g, as amended, the records released to 26927  
the superintendent shall remain confidential and shall not be 26928  
considered public records as defined in section 149.43 of the 26929  
Revised Code. 26930

(E)(1) When a child is committed to the department of youth 26931  
services, the department, orally or in writing, shall notify the 26932  
parent, guardian, or custodian of a child that the parent, 26933  
guardian, or custodian may request at any time from the 26934  
superintendent of the institution in which the child is located 26935  
any of the information described in divisions (E)(1)(a), (b), (c), 26936  
and (d) of this section. The parent, guardian, or custodian may 26937  
provide the department with the name, address, and telephone 26938  
number of the parent, guardian, or custodian, and, until the 26939  
department is notified of a change of name, address, or telephone 26940  
number, the department shall use the name, address, and telephone 26941  
number provided by the parent, guardian, or custodian to provide 26942  
notices or answer inquiries concerning the following information: 26943

(a) When the department of youth services makes a permanent 26944  
assignment of the child to a facility, the department, orally or 26945  
in writing and on or before the third business day after the day 26946  
the permanent assignment is made, shall notify the parent, 26947



guardian, or custodian of the child of the name of the facility to 26948  
which the child has been permanently assigned. 26949

If a parent, guardian, or custodian of a child who is 26950  
committed to the department of youth services requests, orally or 26951  
in writing, the department to provide the parent, guardian, or 26952  
custodian with the name of the facility in which the child is 26953  
currently located, the department, orally or in writing and on or 26954  
before the next business day after the day on which the request is 26955  
made, shall provide the name of that facility to the parent, 26956  
guardian, or custodian. 26957

(b) If a parent, guardian, or custodian of a child who is 26958  
committed to the department of youth services, orally or in 26959  
writing, asks the superintendent of the institution in which the 26960  
child is located whether the child is being disciplined by the 26961  
personnel of the institution, what disciplinary measure the 26962  
personnel of the institution are using for the child, or why the 26963  
child is being disciplined, the superintendent or the 26964  
superintendent's designee, on or before the next business day 26965  
after the day on which the request is made, shall provide the 26966  
parent, guardian, or custodian with written or oral responses to 26967  
the questions. 26968

(c) If a parent, guardian, or custodian of a child who is 26969  
committed to the department of youth services, orally or in 26970  
writing, asks the superintendent of the institution in which the 26971  
child is held whether the child is receiving any medication from 26972  
personnel of the institution, what type of medication the child is 26973  
receiving, or what condition of the child the medication is 26974  
intended to treat, the superintendent or the superintendent's 26975  
designee, on or before the next business day after the day on 26976  
which the request is made, shall provide the parent, guardian, or 26977  
custodian with oral or written responses to the questions. 26978

(d) When a major incident occurs with respect to a child who 26979

is committed to the department of youth services, the department, 26980  
as soon as reasonably possible after the major incident occurs, 26981  
shall notify the parent, guardian, or custodian of the child that 26982  
a major incident has occurred with respect to the child and of all 26983  
the details of that incident that the department has ascertained. 26984

(2) The failure of the department of youth services to 26985  
provide any notification required by or answer any requests made 26986  
pursuant to division (E) of this section does not create a cause 26987  
of action against the state. 26988

(F) The department of youth services, as a means of 26989  
punishment while the child is in its custody, shall not prohibit a 26990  
child who is committed to the department from seeing that child's 26991  
parent, guardian, or custodian during standard visitation periods 26992  
allowed by the department of youth services unless the 26993  
superintendent of the institution in which the child is held 26994  
determines that permitting that child to visit with the child's 26995  
parent, guardian, or custodian would create a safety risk to that 26996  
child, that child's parents, guardian, or custodian, the personnel 26997  
of the institution, or other children held in that institution. 26998

(G) As used in this section: 26999

(1) "Permanent assignment" means the assignment or transfer 27000  
for an extended period of time of a child who is committed to the 27001  
department of youth services to a facility in which the child will 27002  
receive training or participate in activities that are directed 27003  
toward the child's successful rehabilitation. "Permanent 27004  
assignment" does not include the transfer of a child to a facility 27005  
for judicial release hearings pursuant to section 2152.22 of the 27006  
Revised Code or for any other temporary assignment or transfer to 27007  
a facility. 27008

(2) "Major incident" means the escape or attempted escape of 27009  
a child who has been committed to the department of youth services 27010

from the facility to which the child is assigned; the return to 27011  
the custody of the department of a child who has escaped or 27012  
otherwise fled the custody and control of the department without 27013  
authorization; the allegation of any sexual activity with a child 27014  
committed to the department; physical injury to a child committed 27015  
to the department as a result of alleged abuse by department 27016  
staff; an accident resulting in injury to a child committed to the 27017  
department that requires medical care or treatment outside the 27018  
institution in which the child is located; the discovery of a 27019  
controlled substance upon the person or in the property of a child 27020  
committed to the department; a suicide attempt by a child 27021  
committed to the department; a suicide attempt by a child 27022  
committed to the department that results in injury to the child 27023  
requiring emergency medical services outside the institution in 27024  
which the child is located; the death of a child committed to the 27025  
department; an injury to a visitor at an institution under the 27026  
control of the department that is caused by a child committed to 27027  
the department; and the commission or suspected commission of an 27028  
act by a child committed to the department that would be an 27029  
offense if committed by an adult. 27030

(3) "Sexual activity" has the same meaning as in section 27031  
2907.01 of the Revised Code. 27032

(4) "Controlled substance" has the same meaning as in section 27033  
3719.01 of the Revised Code. 27034

(5) "Residential care facility" and "residential facility" 27035  
have the same meanings as in section 2151.011 of the Revised Code. 27036

**Sec. 5139.12.** Any person who is required, pursuant to 27037  
division (A) of section 2151.421 of the Revised Code, to report 27038  
the person's knowledge of or reasonable cause to suspect abuse or 27039  
neglect or threat of abuse or neglect of a child under eighteen 27040  
years of age or a mentally retarded, developmentally disabled, or 27041

physically impaired child under twenty-one years of age or any 27042  
person who is permitted, pursuant to division (B) of that section, 27043  
to report, or cause such a report to be made and who makes or 27044  
causes the report to be made, shall direct that report to the 27045  
state highway patrol if the child is a delinquent child in the 27046  
custody of an institution. If the state highway patrol determines 27047  
after receipt of the report that there is probable cause that 27048  
abuse or neglect or threat of abuse or neglect of the delinquent 27049  
child occurred, the highway patrol shall report its findings to 27050  
the department of youth services, to the court that ordered the 27051  
disposition of the delinquent child for the act that would have 27052  
been an offense if committed by an adult and for which the 27053  
delinquent child is in the custody of the department, to the 27054  
public children services agency in the county in which the child 27055  
resides or in which the abuse or neglect or threat of abuse or 27056  
neglect occurred, and to the chairperson and vice-chairperson of 27057  
the correctional institution inspection committee established by 27058  
section 103.71 of the Revised Code. 27059

**Sec. 5139.34.** (A) Funds may be appropriated to the department 27060  
of youth services for the purpose of granting state subsidies to 27061  
counties. A county or the juvenile court that serves a county 27062  
shall use state subsidies granted to the county pursuant to this 27063  
section only in accordance with divisions (B)(2)(a) and (3)(a) of 27064  
section 5139.43 of the Revised Code and the rules pertaining to 27065  
the state subsidy funds that the department adopts pursuant to 27066  
division (D) of section 5139.04 of the Revised Code. The 27067  
department shall not grant financial assistance pursuant to this 27068  
section for the provision of care and services for children in a 27069  
placement facility unless the facility has been certified, 27070  
licensed, or approved by a state or national agency with 27071  
certification, licensure, or approval authority, including, but 27072

not limited to, the department of job and family services, 27073  
department of education, department of mental health and addiction 27074  
services, department of developmental disabilities, or American 27075  
correctional association. For the purposes of this section, 27076  
placement facilities do not include a state institution or a 27077  
county or district children's home. 27078

The department also shall not grant financial assistance 27079  
pursuant to this section for the provision of care and services 27080  
for children, including, but not limited to, care and services in 27081  
a detention facility, in another facility, or in out-of-home 27082  
placement, unless the minimum standards applicable to the care and 27083  
services that the department prescribes in rules adopted pursuant 27084  
to division (D) of section 5139.04 of the Revised Code have been 27085  
satisfied. 27086

(B) The department of youth services shall apply the 27087  
following formula to determine the amount of the annual grant that 27088  
each county is to receive pursuant to division (A) of this 27089  
section, subject to the appropriation for this purpose to the 27090  
department made by the general assembly: 27091

(1) Each county shall receive a basic annual grant of fifty 27092  
thousand dollars. 27093

(2) The sum of the basic annual grants provided under 27094  
division (B)(1) of this section shall be subtracted from the total 27095  
amount of funds appropriated to the department of youth services 27096  
for the purpose of making grants pursuant to division (A) of this 27097  
section to determine the remaining portion of the funds 27098  
appropriated. The remaining portion of the funds appropriated 27099  
shall be distributed on a per capita basis to each county that has 27100  
a population of more than twenty-five thousand for that portion of 27101  
the population of the county that exceeds twenty-five thousand. 27102

(C)(1) Prior to a county's receipt of an annual grant 27103

pursuant to this section, the juvenile court that serves the 27104  
county shall prepare, submit, and file in accordance with division 27105  
(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 27106  
agreement and application for funding that is for the combined 27107  
purposes of, and that satisfies the requirements of, this section 27108  
and section 5139.43 of the Revised Code. In addition to the 27109  
subject matters described in division (B)(3)(a) of section 5139.43 27110  
of the Revised Code or in the rules that the department adopts to 27111  
implement that division, the annual grant agreement and 27112  
application for funding shall address fiscal accountability and 27113  
performance matters pertaining to the programs, care, and services 27114  
that are specified in the agreement and application and for which 27115  
state subsidy funds granted pursuant to this section will be used. 27116

(2) The county treasurer of each county that receives an 27117  
annual grant pursuant to this section shall deposit the state 27118  
subsidy funds so received into the county's felony delinquent care 27119  
and custody fund created pursuant to division (B)(1) of section 27120  
5139.43 of the Revised Code. Subject to exceptions prescribed in 27121  
section 5139.43 of the Revised Code that may apply to the 27122  
disbursement, the department shall disburse the state subsidy 27123  
funds to which a county is entitled in a lump sum payment that 27124  
shall be made in July of each calendar year. 27125

(3) Upon an order of the juvenile court that serves a county 27126  
and subject to appropriation by the board of county commissioners 27127  
of that county, a county treasurer shall disburse from the 27128  
county's felony delinquent care and custody fund the state subsidy 27129  
funds granted to the county pursuant to this section for use only 27130  
in accordance with this section, the applicable provisions of 27131  
section 5139.43 of the Revised Code, and the county's approved 27132  
annual grant agreement and application for funding. 27133

(4) The moneys in a county's felony delinquent care and 27134  
custody fund that represent state subsidy funds granted pursuant 27135

to this section are subject to appropriation by the board of 27136  
county commissioners of the county; shall be disbursed by the 27137  
county treasurer as required by division (C)(3) of this section; 27138  
shall be used in the manners referred to in division (C)(3) of 27139  
this section; shall not revert to the county general fund at the 27140  
end of any fiscal year; shall carry over in the felony delinquent 27141  
care and custody fund from the end of any fiscal year to the next 27142  
fiscal year; shall be in addition to, and shall not be used to 27143  
reduce, any usual annual increase in county funding that the 27144  
juvenile court is eligible to receive or the current level of 27145  
county funding of the juvenile court and of any programs, care, or 27146  
services for alleged or adjudicated delinquent children, unruly 27147  
children, or juvenile traffic offenders or for children who are at 27148  
risk of becoming delinquent children, unruly children, or juvenile 27149  
traffic offenders; and shall not be used to pay for the care and 27150  
custody of felony delinquents who are in the care and custody of 27151  
an institution pursuant to a commitment, recommitment, or 27152  
revocation of a release on parole by the juvenile court of that 27153  
county or who are in the care and custody of a community 27154  
corrections facility pursuant to a placement by the department 27155  
~~with the consent of the juvenile court~~ as described in division 27156  
(E) of section 5139.36 of the Revised Code. 27157

(5) As a condition of the continued receipt of state subsidy 27158  
funds pursuant to this section, each county and the juvenile court 27159  
that serves each county that receives an annual grant pursuant to 27160  
this section shall comply with divisions (B)(3)(b), (c), and (d) 27161  
of section 5139.43 of the Revised Code. 27162

**Sec. 5139.36.** (A) In accordance with this section and the 27163  
rules adopted under it and from funds appropriated to the 27164  
department of youth services for the purposes of this section, the 27165  
department shall make grants that provide financial resources to 27166  
operate community corrections facilities for felony delinquents. 27167

(B)(1) Each community corrections facility that intends to seek a grant under this section shall file an application with the department of youth services at the time and in accordance with the procedures that the department shall establish by rules adopted in accordance with Chapter 119. of the Revised Code. In addition to other items required to be included in the application, a plan that satisfies both of the following shall be included:

(a) It reduces the number of felony delinquents committed to the department from the county or counties associated with the community corrections facility.

(b) It ensures equal access for minority felony delinquents to the programs and services for which a potential grant would be used.

(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, or improved, and be financed by the treasurer of state pursuant to section 307.021 of the Revised Code and Chapter 154. 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 27199  
an intake committee that at least performs both of the following 27200  
tasks: 27201

(a) Screens all eligible felony delinquents who are being 27202  
considered for admission to the facility in lieu of commitment to 27203  
the department; 27204

(b) Notifies, within ten days after the date of the referral 27205  
of a felony delinquent to the facility, the committing court 27206  
whether the felony delinquent will be admitted to the facility. 27207

(4) Comply with all applicable fiscal and program rules that 27208  
the department adopts in accordance with Chapter 119. of the 27209  
Revised Code and demonstrate that felony delinquents served by the 27210  
facility have been or will be diverted from a commitment to the 27211  
department. 27212

(D) The department of youth services shall determine the 27213  
method of distribution of the funds appropriated for grants under 27214  
this section to community corrections facilities. 27215

(E)(1) The department of youth services shall adopt rules in 27216  
accordance with Chapter 119. of the Revised Code to establish the 27217  
minimum occupancy threshold of community corrections facilities. 27218

(2) A child in the custody of the department of youth 27219  
services may be placed in a community corrections facility in 27220  
accordance with either division (E)(2)(a) or (b) of this section. 27221  
A child placed in a community corrections facility pursuant to 27222  
either division shall remain in the legal custody of the 27223  
department of youth services during the period in which the child 27224  
is in the community corrections facility. The department shall 27225  
charge bed days to the county in accordance with sections 5139.41 27226  
to 5139.43 of the Revised Code. 27227

(a) The department may make referrals for the placement of 27228  
children in its custody to a community corrections facility. At 27229

least forty-five days prior to the referral of a child or within 27230  
any shorter period prior to the referral of the child that the 27231  
committing court may allow, the department shall notify the 27232  
committing court of its intent to place the child in a community 27233  
corrections facility. The court shall have thirty days after the 27234  
receipt of the notice to approve or disapprove the placement. If 27235  
the court does not respond to the notice of the placement within 27236  
that thirty-day period, the department shall proceed with the 27237  
placement ~~and debit the county in accordance with sections 5139.41~~ 27238  
~~to 5139.43 of the Revised Code. A child placed in a community~~ 27239  
~~corrections facility pursuant to this division shall remain in the~~ 27240  
~~legal custody of the department of youth services during the~~ 27241  
~~period in which the child is in the community corrections~~ 27242  
~~facility.~~ 27243

(b) The department may, with the consent of the juvenile 27244  
court with jurisdiction over the Montgomery county center for 27245  
adolescent services, establish a single unit within the community 27246  
corrections facility for female felony delinquents committed to 27247  
the department's custody. If the unit is established under this 27248  
division, the department may place a female felony delinquent 27249  
committed to the department's custody into the unit in the 27250  
community corrections facility. 27251

(3) Counties that are not associated with a community 27252  
corrections facility may refer children to a community corrections 27253  
facility with the consent of the facility. The department of youth 27254  
services shall debit the county that makes the referral in 27255  
accordance with sections 5139.41 to 5139.43 of the Revised Code. 27256

(F) The board or other governing body of a community 27257  
corrections facility shall meet not less often than once per 27258  
quarter. A community corrections facility may reimburse the 27259  
members of the board or other governing body of the facility and 27260  
the members of an advisory board created by the board or other 27261

governing body of the facility for their actual and necessary 27262  
expenses incurred in the performance of their official duties. The 27263  
members of the board or other governing body of the facility and 27264  
the members of an advisory board created by the board or other 27265  
governing body of the facility shall serve without compensation. 27266

**Sec. 5139.41.** The appropriation made to the department of 27267  
youth services for care and custody of felony delinquents shall be 27268  
expended in accordance with the following procedure that the 27269  
department shall use for each year of a biennium. The procedure 27270  
shall be consistent with sections 5139.41 to 5139.43 of the 27271  
Revised Code and shall be developed in accordance with the 27272  
following guidelines: 27273

(A) The line item appropriation for the care and custody of 27274  
felony delinquents shall provide funding for operational costs for 27275  
the following: 27276

(1) Institutions and the diagnosis, care, or treatment of 27277  
felony delinquents at facilities pursuant to contracts entered 27278  
into under section 5139.08 of the Revised Code; 27279

(2) Community corrections facilities constructed, 27280  
reconstructed, improved, or financed as described in section 27281  
5139.36 of the Revised Code for the purpose of providing 27282  
alternative placement and services for felony delinquents who have 27283  
been diverted from care and custody in institutions; 27284

(3) County juvenile courts that administer programs and 27285  
services for prevention, early intervention, diversion, treatment, 27286  
and rehabilitation services and programs that are provided for 27287  
alleged or adjudicated unruly or delinquent children or for 27288  
children who are at risk of becoming unruly or delinquent 27289  
children; 27290

(4) Administrative expenses the department incurs in 27291

connection with the felony delinquent care and custody programs 27292  
described in section 5139.43 of the Revised Code. 27293

(B) From the appropriated line item for the care and custody 27294  
of felony delinquents, the department, with the advice of the 27295  
RECLAIM advisory committee established under section 5139.44 of 27296  
the Revised Code, shall allocate annual operational funds for 27297  
county juvenile programs, institutional care and custody, 27298  
community corrections facilities care and custody, and 27299  
administrative expenses incurred by the department associated with 27300  
felony delinquent care and custody programs. The department, with 27301  
the advice of the RECLAIM advisory committee, shall adjust these 27302  
allocations, when modifications to this line item are made by 27303  
legislative or executive action. 27304

(C) The department shall divide county juvenile program 27305  
allocations among county juvenile courts that administer programs 27306  
and services for prevention, early intervention, diversion, 27307  
treatment, and rehabilitation that are provided for alleged or 27308  
adjudicated unruly or delinquent children or for children who are 27309  
at risk of becoming unruly or delinquent children. The department 27310  
shall base funding on the county's previous year's ratio of the 27311  
department's institutional and community ~~correctional~~ corrections 27312  
facilities commitments to that county's average of felony 27313  
adjudications, as specified in the following formula: 27314

(1) The department shall give to each county a proportional 27315  
allocation of commitment credits. The proportional allocation of 27316  
commitment credits shall be calculated by the following 27317  
procedures: 27318

(a) The department shall determine for each county and for 27319  
the state an average of felony adjudications. Beginning July 1, 27320  
2012, the average shall include felony adjudications for fiscal 27321  
year 2007 and for each subsequent fiscal year through fiscal year 27322  
2016. Beginning July 1, 2017, the most recent felony adjudication 27323

data shall be included and the oldest fiscal year data shall be 27324  
removed so that a ten-year average of felony adjudication data 27325  
will be maintained. 27326

(b) The department shall determine for each county and for 27327  
the state the number of charged bed days, for both the department 27328  
and community ~~correctional~~ corrections facilities, from the 27329  
previous year. 27330

(c) The department shall divide the statewide total number of 27331  
charged bed days by the statewide total number of felony 27332  
adjudications, which quotient shall then be multiplied by a factor 27333  
determined by the department. 27334

(d) The department shall calculate the county's allocation of 27335  
credits by multiplying the number of adjudications for each court 27336  
by the result determined pursuant to division (C)(1)(c) of this 27337  
section. 27338

(2) The department shall subtract from the allocation 27339  
determined pursuant to division (C)(1) of this section a credit 27340  
for every chargeable bed day while a youth ~~stays is~~ in a 27341  
~~department institution~~ the department's custody and two-thirds of 27342  
credit for every chargeable bed day a youth stays in a community 27343  
~~correctional~~ corrections facility, except for public safety beds. 27344  
At the end of the year, the department shall divide the amount of 27345  
remaining credits of that county's allocation by the total number 27346  
of remaining credits to all counties, to determine the county's 27347  
percentage, which shall then be applied to the total county 27348  
allocation to determine the county's payment for the fiscal year. 27349

(3) The department shall pay counties three times during the 27350  
fiscal year to allow for credit reporting and audit adjustments, 27351  
and modifications to the appropriated line item for the care and 27352  
custody of felony delinquents, as described in this section. The 27353  
department shall pay fifty per cent of the payment by the 27354

fifteenth of July of each fiscal year, twenty-five per cent by the 27355  
fifteenth of January of that fiscal year, and twenty-five per cent 27356  
of the payment by the fifteenth of June of that fiscal year. 27357

Sec. 5139.45. (A) As used in this section: 27358

(1) "Institution" means a state facility that is created by 27359  
the general assembly and that is under the management and control 27360  
of the department of youth services or a private entity with which 27361  
the department has contracted for the institutional care and 27362  
custody of felony delinquents. 27363

(2) "Quality assurance program" means a comprehensive program 27364  
within the department of youth services to systematically review 27365  
and improve the quality of programming, operations, education, 27366  
medical and mental health services within the department and the 27367  
department's institutions, the safety and security of persons 27368  
receiving care and services within the department and the 27369  
department's institutions, and the efficiency and effectiveness of 27370  
the utilization of staff and resources in the delivery of services 27371  
within the department and the department's institutions. 27372

(3) "Quality assurance program activities" means the 27373  
activities of the institution and the office of quality assurance 27374  
and improvement, of persons who provide, collect, or compile 27375  
information and reports required by the office of quality 27376  
assurance and improvement, and of persons who receive, review, or 27377  
implement the recommendations made by the office of quality 27378  
assurance and improvement. "Quality assurance program activities" 27379  
include credentialing, infection control, utilization review 27380  
including access to patient care, patient care assessments, 27381  
medical and mental health records, medical and mental health 27382  
resource management, mortality and morbidity review, and 27383  
identification and prevention of medical or mental health 27384  
incidents and risks, whether performed by the office of quality 27385

assurance and improvement or by persons who are directed by the 27386  
office of quality assurance and improvement. 27387

(4) "Quality assurance record" means the proceedings, 27388  
records, minutes, and reports that result from quality assurance 27389  
program activities. "Quality assurance record" does not include 27390  
aggregate statistical information that does not disclose the 27391  
identity of persons receiving or providing services in 27392  
institutions. 27393

(B) The office of quality assurance and improvement is hereby 27394  
created as an office in the department of youth services. The 27395  
director of youth services shall appoint a managing officer to 27396  
carry out quality assurance program activities. 27397

(C)(1) Except as otherwise provided in division (F) of this 27398  
section, quality assurance records are confidential and are not 27399  
public records under section 149.43 of the Revised Code and shall 27400  
be used only in the course of the proper functions of a quality 27401  
assurance program. 27402

(2) Except as provided in division (F) of this section, no 27403  
person who possesses or has access to quality assurance records 27404  
and who knows that the records are quality assurance records shall 27405  
willfully disclose the contents of the records to any person or 27406  
entity. 27407

(D)(1) Except as otherwise provided in division (F) of this 27408  
section, a quality assurance record is not subject to discovery 27409  
and is not admissible as evidence in any judicial or 27410  
administrative proceeding. 27411

(2) Except as provided in division (F) of this section, no 27412  
employee of the office of quality assurance and improvement or a 27413  
person who is performing a function that is part of a quality 27414  
assurance program shall be permitted or required to testify in a 27415  
judicial or administrative proceeding with respect to a quality 27416

assurance record or with respect to any finding, recommendation, 27417  
evaluation, opinion, or other action taken by the office or 27418  
program or by the person within the scope of the quality assurance 27419  
program. 27420

(3) Information, documents, or records otherwise available 27421  
from original sources shall not be unavailable for discovery or 27422  
inadmissible as evidence in a judicial or administrative 27423  
proceeding under division (D)(1) of this section merely because 27424  
they were presented to the office of quality assurance and 27425  
improvement. No person who is an employee of the office of quality 27426  
assurance and improvement shall be prohibited from testifying as 27427  
to matters within the person's knowledge, but the person shall not 27428  
be asked about an opinion formed by the person as a result of the 27429  
person's quality assurance program activities. 27430

(E)(1) A person who, without malice and in the reasonable 27431  
belief that the information is warranted by the facts known to the 27432  
person, provides information to a person engaged in quality 27433  
assurance program activities is not liable for damages in a civil 27434  
action for injury, death, or loss to person or property as a 27435  
result of providing the information. 27436

(2) An employee of the office of quality assurance and 27437  
improvement, a person engaged in quality assurance program 27438  
activities, or an employee of the department of youth services 27439  
shall not be liable in damages in a civil action for injury, 27440  
death, or loss to person or property for any acts, omissions, 27441  
decisions, or other conduct within the scope of the functions of 27442  
the quality assurance program. 27443

(3) Nothing in this section shall relieve any institution 27444  
from liability arising from the treatment of a patient. 27445

(F) Quality assurance records may be disclosed, and testimony 27446  
may be provided concerning quality assurance records, only to the 27447



following persons or entities or under the following 27448  
circumstances: 27449

(1) Persons who are employed or retained by the department of 27450  
youth services and who have the authority to evaluate or implement 27451  
the recommendations of an institution or the office of quality 27452  
assurance and improvement; 27453

(2) Public or private agencies or organizations if needed to 27454  
perform a licensing or accreditation function related to 27455  
institutions or to perform monitoring of institutions as required 27456  
by law; 27457

(3) A governmental board or agency, a professional health 27458  
care society or organization, or a professional standards review 27459  
organization, if the records or testimony are needed to perform 27460  
licensing, credentialing, or monitoring of professional standards 27461  
with respect to medical or mental health professionals employed or 27462  
retained by the department; 27463

(4) A criminal or civil law enforcement agency or public 27464  
health agency charged by law with the protection of public health 27465  
or safety, if a qualified representative of the agency makes a 27466  
written request stating that the records or testimony are 27467  
necessary for a purpose authorized by law; 27468

(5) In a judicial or administrative proceeding commenced by 27469  
an entity described in division (F)(3) or (4) of this section for 27470  
a purpose described in that division but only with respect to the 27471  
subject of the proceedings. 27472

(G) A disclosure of quality assurance records pursuant to 27473  
division (F) of this section does not otherwise waive the 27474  
confidential and privileged status of the disclosed quality 27475  
assurance records. The names and other identifying information 27476  
regarding individual patients or employees of the office of 27477  
quality assurance and improvement contained in a quality assurance 27478

record shall be redacted from the record prior to the disclosure 27479  
of the record unless the identity of an individual is necessary 27480  
for the purpose for which the disclosure is being made and does 27481  
not constitute a clearly unwarranted invasion of personal privacy. 27482

**Sec. 5153.21.** The board of county commissioners may establish 27483  
a children's home upon the recommendation of the public children 27484  
services agency and subject to certification by the department of 27485  
job and family services under section 5103.03 of the Revised Code 27486  
and the requirements of sections 5103.05 and 5103.051 of the 27487  
Revised Code. 27488

**Sec. 5153.42.** District children's homes shall be established, 27489  
operated, maintained, and managed in the same manner so far as 27490  
applicable as county children's homes and shall be subject to the 27491  
requirements of sections 5103.05 and 5103.051 of the Revised Code. 27492  
27493

**Sec. 5155.28.** (A) As used in this section: 27494

(1) "Nursing facility" has the same meaning as in section 27495  
5165.01 of the Revised Code. 27496

(2) "PASRR" means the preadmission screening and annual 27497  
resident review of individuals with mental illnesses and 27498  
intellectual disabilities required by the "Social Security Act," 27499  
42 U.S.C. 1396r(e)(7). 27500

(B) A county home or district home that is a nursing facility 27501  
may provide sub-acute detoxification services to residents who 27502  
have been determined by PASRR to be addicted to opioids. The 27503  
sub-acute detoxification services shall include monitoring of such 27504  
residents twenty-four hours a day by health care professionals. 27505

**Sec. 5165.03.** (A) As used in this section: 27506

- (1) "Dementia" includes Alzheimer's disease or a related disorder. 27507  
27508
- (2) "Serious mental illness" means "serious mental illness," as defined by the United States department of health and human services in regulations adopted under the "Social Security Act," section 1919(e)(7)(G)(i), 42 U.S.C. 1396r(e)(7)(G)(i). 27509  
27510  
27511  
27512
- (3) "Mentally ill individual" means an individual who has a serious mental illness other than either of the following: 27513  
27514
- (a) A primary diagnosis of dementia; 27515
- (b) A primary diagnosis that is not a primary diagnosis of dementia and a primary diagnosis of something other than a serious mental illness. 27516  
27517  
27518
- (4) "Mentally retarded individual" means an individual who is mentally retarded or has a related condition, as described in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d). 27519  
27520  
27521
- (5) "Specialized services" means the services specified by the United States department of health and human services in regulations adopted under the "Social Security Act," section 1919(e)(7)(G)(iii), 42 U.S.C. 1396r(e)(7)(G)(iii). 27522  
27523  
27524  
27525
- (B)(1) Except as provided in division (D) of this section, no nursing facility shall admit as a resident any mentally ill individual unless the facility has received evidence that the department of mental health and addiction services has determined both of the following under section 5119.40 of the Revised Code: 27526  
27527  
27528  
27529  
27530
- (a) That the individual requires the level of services provided by a nursing facility because of the individual's physical and mental condition; 27531  
27532  
27533
- (b) Whether the individual requires specialized services for mental illness. 27534  
27535
- (2) Except as provided in division (D) of this section, no 27536

nursing facility shall admit as a resident any mentally retarded 27537  
individual unless the facility has received evidence that the 27538  
department of developmental disabilities has determined both of 27539  
the following under section 5123.021 of the Revised Code: 27540

(a) That the individual requires the level of services 27541  
provided by a nursing facility because of the individual's 27542  
physical and mental condition; 27543

(b) Whether the individual requires specialized services for 27544  
mental retardation. 27545

(C) The department of medicaid shall not make medicaid 27546  
payments to a nursing facility on behalf of any individual who is 27547  
admitted to the facility in violation of division (B) of this 27548  
section for the period beginning on the date of admission and 27549  
ending on the date the requirements of division (B) of this 27550  
section are met. 27551

(D) A determination under division (B) of this section is not 27552  
required for any individual who is exempted from the requirement 27553  
that a determination be made by ~~division~~ any of the following: 27554

(1) Division (B)(2) of section 5119.40 of the Revised Code or 27555  
rules; 27556

(2) Rules adopted by the department of mental health and 27557  
addiction services under division (E)(3) of ~~that~~ section, ~~or by~~ 27558  
~~division~~ 5119.40 of the Revised Code; 27559

(3) Division (A)(1) of section 5119.401 of the Revised Code; 27560

(4) Division (B)(2) of section 5123.021 of the Revised Code 27561  
or rules; 27562

(5) Rules adopted by the department of developmental 27563  
disabilities under division (E)(3) of ~~that~~ section 5123.021 of the 27564  
Revised Code. 27565

**Sec. 5165.031.** An individual who applies for admission to or 27566  
resides in a nursing facility may appeal if adversely affected by 27567  
a determination made by the department of mental health and 27568  
addiction services under section 5119.40 of the Revised Code, by a 27569  
case manager under section 5119.401 of the Revised Code, or by the 27570  
department of developmental disabilities under section 5123.021 of 27571  
the Revised Code. If the individual is an applicant for or 27572  
recipient of medicaid, the individual may appeal pursuant to 27573  
section 5160.31 of the Revised Code. If the individual is not an 27574  
applicant for or recipient of medicaid, the individual may appeal 27575  
pursuant to a process the department of medicaid shall establish, 27576  
which shall be similar to the appeals process established by 27577  
section 5101.35 of the Revised Code. The department of medicaid 27578  
shall provide notice of the right to appeal to individuals 27579  
adversely affected by determinations made under sections 5119.40, 27580  
5119.401, and 5123.021 of the Revised Code. Any decision made on 27581  
the basis of such an appeal is binding on the department of mental 27582  
health and addiction services and the department of developmental 27583  
disabilities. 27584

**Sec. 5165.10.** (A) Except as provided in division ~~(D)~~(C) of 27585  
this section, each nursing facility provider shall file with the 27586  
department of medicaid an annual cost report for each of the 27587  
provider's nursing facilities that participate in the medicaid 27588  
program. The cost report for a year shall cover the calendar year 27589  
or the portion of the calendar year during which the nursing 27590  
facility participated in the medicaid program. Except as provided 27591  
in division ~~(E)~~(D) of this section, the cost report is due not 27592  
later than ninety days after the end of the calendar year, or 27593  
portion of the calendar year, that the cost report covers. 27594

(B) If a nursing facility undergoes a change of provider that 27595  
the department determines, in accordance with rules adopted under 27596

section 5165.02 of the Revised Code, is not an arm's length 27597  
transaction, the new provider shall file the nursing facility's 27598  
cost report in accordance with division (A) of this section and 27599  
the cost report shall cover the portion of the calendar year 27600  
during which the new provider operated the nursing facility and 27601  
the portion of the calendar year during which the previous 27602  
provider operated the nursing facility. 27603

~~(C) If the medicaid payment rate for a new nursing facility 27604  
was most recently determined in accordance with section 5165.151 27605  
of the Revised Code, the provider shall file with the department a 27606  
cost report for the new nursing facility not later than, except as 27607  
provided in division (E) of this section, ninety days after the 27608  
end of the new nursing facility's first three full calendar months 27609  
of operation. The cost report shall cover the period that begins 27610  
with the nursing facility's first day of operation and ends on the 27611  
first day of the month immediately following the first three full 27612  
months of operation. 27613~~

~~(D) A nursing facility~~ The provider of a new nursing facility 27614  
is not required to file a cost report ~~for a nursing facility for a~~ 27615  
~~calendar year~~ in accordance with division (A) of this section for 27616  
the first calendar year that the provider has a provider agreement 27617  
for the nursing facility if the ~~provider files a cost report for~~ 27618  
~~the nursing facility under division (C) of this section and that~~ 27619  
~~cost report covers a period that begins~~ initial provider agreement 27620  
goes into effect after the first day of October of that calendar 27621  
year. The provider shall file a cost report for the nursing 27622  
facility in accordance with division (A) of this section for the 27623  
immediately following calendar year. 27624

~~(E)~~ (D) The department may grant to a provider a fourteen-day 27625  
extension to file a cost report under this section if the provider 27626  
provides the department a written request for the extension and 27627  
the department determines that there is good cause for the 27628

extension. 27629

**Sec. 5165.106.** If a nursing facility provider required by 27630  
section 5165.10 of the Revised Code to file a cost report for the 27631  
nursing facility fails to file the cost report by the date it is 27632  
due or the date, if any, to which the due date is extended 27633  
pursuant to division ~~(E)~~(D) of that section, or files an 27634  
incomplete or inadequate report for the nursing facility under 27635  
that section, the department of medicaid shall provide immediate 27636  
written notice to the provider that the provider agreement for the 27637  
nursing facility will be terminated in thirty days unless the 27638  
provider submits a complete and adequate cost report for the 27639  
nursing facility within thirty days. During the thirty-day 27640  
termination period or any additional time allowed for an appeal of 27641  
the proposed termination of a provider agreement, the provider 27642  
shall be paid the nursing facility's then current per medicaid day 27643  
payment rate, minus the dollar amount by which nursing facility's 27644  
per medicaid day payment rates are reduced during fiscal year 2013 27645  
in accordance with division (A)(2) of section 5111.26 of the 27646  
Revised Code (renumbered as section 5165.10 of the Revised Code by 27647  
H.B. 59 of the 130th general assembly) as that section existed on 27648  
the day immediately preceding ~~the effective date of this section~~ 27649  
September 29, 2013. On the first day of each July, the department 27650  
shall adjust the amount of the reduction in effect during the 27651  
previous twelve months to reflect the rate of inflation during the 27652  
preceding twelve months, as shown in the consumer price index for 27653  
all items for all urban consumers for the north central region, 27654  
published by the United States bureau of labor statistics. 27655

**Sec. 5165.15.** (A) Except as otherwise provided by sections 27656  
5165.151 to ~~5165.156~~ 5165.157 and 5165.34 of the Revised Code, the 27657  
total per medicaid day payment rate that the department of 27658  
medicaid shall pay a nursing facility provider for nursing 27659

facility services the provider's nursing facility provides during 27660  
a fiscal year shall equal the sum of all of the following: 27661

(1) The per medicaid day payment rate for ancillary and 27662  
support costs determined for the nursing facility under section 27663  
5165.16 of the Revised Code; 27664

(2) The per medicaid day payment rate for capital costs 27665  
determined for the nursing facility under section 5165.17 of the 27666  
Revised Code; 27667

(3) The per medicaid day payment rate for direct care costs 27668  
determined for the nursing facility under section 5165.19 of the 27669  
Revised Code; 27670

(4) The per medicaid day payment rate for tax costs 27671  
determined for the nursing facility under section 5165.21 of the 27672  
Revised Code; 27673

(5) If the nursing facility qualifies as a critical access 27674  
nursing facility, the nursing facility's critical access incentive 27675  
payment paid under section 5165.23 of the Revised Code; 27676

(6) The quality incentive payment paid to the nursing 27677  
facility under section 5165.25 of the Revised Code. 27678

(B) In addition to paying a nursing facility provider the 27679  
nursing facility's total rate determined under division (A) of 27680  
this section for a fiscal year, the department shall pay the 27681  
provider a quality bonus under section 5165.26 of the Revised Code 27682  
for that fiscal year if the provider's nursing facility is a 27683  
qualifying nursing facility, as defined in that section, for that 27684  
fiscal year. The quality bonus shall not be part of the total 27685  
rate. 27686

**Sec. ~~323.280~~ 5165.157. ~~ALTERNATIVE PURCHASING MODEL FOR~~ 27687  
~~NURSING FACILITY SERVICES~~ 27688**



~~As used in this section, "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.~~

~~The Medicaid Director (A) The medicaid director may establish, as a Medicaid waiver component, an alternative purchasing model for nursing facility services provided, during the period beginning July 1, 2013, and ending July 1, 2015, by designated discrete units of nursing facilities to Medicaid recipients with specialized health care needs, including recipients dependent on ventilators, recipients who have severe traumatic brain injury, and recipients who would be admitted to long term acute care hospitals or rehabilitation hospitals if they did not receive nursing facility services. If established, the alternative purchasing model is established, the director shall do all of the following with regard to the model:~~

~~(A) Recognize a connection between enhanced Medicaid payment rates and improved health outcomes capable of being measured;~~

~~(B) Include (1) Establish criteria for identifying Medicaid that a discrete unit of a nursing facility must meet to be designated as a unit that, under the alternative purchasing model, may admit and provide nursing facility services to Medicaid recipients with specialized health care needs;~~

~~(C) Include procedures for ensuring that Medicaid recipients identified pursuant to division (B) of this section receive nursing facility services under the alternative purchasing model~~

~~(2) Specify the health care conditions that Medicaid recipients must have to have specialized health care needs, which may include dependency on a ventilator, severe traumatic brain injury, the need to be admitted to a long-term acute care hospital or rehabilitation hospital if not for nursing facility services, and other serious health care conditions;~~

~~(3) For each fiscal year, set the total per Medicaid day~~

payment rate for nursing facility services provided under the 27720  
alternative purchasing model at either of the following: 27721

(a) Sixty per cent of the statewide average of the total per 27722  
medicaid day payment rate for long-term acute care hospital 27723  
services as of the first day of the fiscal year; 27724

(b) Another amount determined in accordance with an 27725  
alternative methodology that includes improved health outcomes as 27726  
a factor in determining the payment rate; 27727

(4) Require, to the extent the director considers necessary, 27728  
a medicaid recipient to obtain prior authorization for admission 27729  
to a long-term acute care hospital or rehabilitation hospital as a 27730  
condition of medicaid payment for long-term acute care hospital or 27731  
rehabilitation hospital services. 27732

The (B) The criteria established under division (A)(1) of 27733  
this section shall provide for a discrete unit of a nursing 27734  
facility to be excluded from the alternative purchasing model if 27735  
the unit is paid for nursing facility services in accordance with 27736  
section 5165.153, 5165.154, or 5165.156 of the Revised Code. The 27737  
criteria may require the provider of a nursing facility that has a 27738  
discrete unit designated for participation in the alternative 27739  
purchasing model to report health outcome measurement data to the 27740  
department of medicaid. 27741

(C) A discrete unit of a nursing facility that provides 27742  
nursing facility services to medicaid recipients with specialized 27743  
health care needs under the alternative purchasing model shall be 27744  
paid for those services in accordance with division (A)(3) of this 27745  
section instead of the total per Medicaid medicaid day payment 27746  
rate for nursing facility services provided under the alternative 27747  
purchasing model may differ from the rate that would otherwise be 27748  
paid pursuant to Chapter 5165. determined under section 5165.15, 27749  
5165.153, 5165.154, or 5165.156 of the Revised Code. 27750

Sec. 5165.23. (A) Each fiscal year, the department of 27751  
medicaid shall determine the critical access incentive payment for 27752  
each nursing facility that qualifies as a critical access nursing 27753  
facility. To qualify as a critical access nursing facility for a 27754  
fiscal year, a nursing facility must meet all of the following 27755  
requirements: 27756

(1) The nursing facility must be located in an area that, on 27757  
December 31, 2011, was designated an empowerment zone under the 27758  
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 27759

(2) The nursing facility must have an occupancy rate of at 27760  
least eighty-five per cent as of the last day of the calendar year 27761  
immediately preceding the fiscal year. 27762

(3) The nursing facility must have a medicaid utilization 27763  
rate of at least sixty-five per cent as of the last day of the 27764  
calendar year immediately preceding the fiscal year. 27765

(4) The nursing facility must have been awarded at least five 27766  
points for meeting accountability measures under section 5165.25 27767  
of the Revised Code for the fiscal year and at least one of the 27768  
five points must have been awarded for meeting the following: 27769

~~(a) For fiscal year 2014, the accountability measures 27770  
identified in divisions (C)(10), (11), (12), and (13) of section 27771  
5165.25 of the Revised Code; 27772~~

~~(b) For fiscal year 2015 and each fiscal year thereafter, the 27773  
accountability measures identified in divisions ~~(D)~~(C)(9), (10), 27774  
(11), (12), and (14) of section 5165.25 of the Revised Code. 27775~~

(B) A critical access nursing facility's critical access 27776  
incentive payment for a fiscal year shall equal five per cent of 27777  
the portion of the nursing facility's total rate for the fiscal 27778  
year that is the sum of the rates and payment identified in 27779  
divisions (A)(1) to (4) and (6) of section 5165.15 of the Revised 27780

Code.	27781
<b>Sec. 5165.25.</b> (A) As used in this section:	27782
(1) "Complaint surveys" has the same meaning as in 42 C.F.R. 488.30.	27783 27784
(2) "Customer satisfaction survey" means the annual survey of long-term care facilities required by section 173.47 of the Revised Code.	27785 27786 27787
(3) "Deficiency" has the same meaning as in 42 C.F.R. 488.301.	27788 27789
(4) "Exempted hospital discharge" has the same meaning as in 42 C.F.R. 483.106(b)(2)(i).	27790 27791
(5) "Family satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from the families of a nursing facility's residents.	27792 27793 27794 27795
(6) "Minimum data set" means the standardized, uniform comprehensive assessment of nursing facility residents that is used to identify potential problems, strengths, and preferences of residents and is part of the resident assessment instrument required by the "Social Security Act," section 1919(e)(5), 42 U.S.C. 1396r(e)(5).	27796 27797 27798 27799 27800 27801
(7) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code.	27802 27803
(8) <u>"Person-centered method of medication delivery" means a method of delivering medication to a nursing facility resident that allows flexibility in the time at which medication is administered to the resident to reflect the resident's preferences. "Person-centered method of medication delivery" may include utilization of a locked medication cabinet in a nursing facility resident's room.</u>	27804 27805 27806 27807 27808 27809 27810

(9) "Resident satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents.

~~(9) "Room mirror" means a mirror that is located in either of the following rooms:~~

~~(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom;~~

~~(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room.~~

~~(10) "Room sink" means a sink that is located in either of the following rooms:~~

~~(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom;~~

~~(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room.~~

~~(11)~~(10) "Standard survey" has the same meaning as in 42 C.F.R. 488.301.

~~(12)~~(11) "Special focus facility list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program required by the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10).

~~(13)~~(12) "Substantial wall" means a permanent structure that reaches from floor to ceiling and divides a semiprivate room into two distinct living spaces, each with its own window.

~~(14)~~(13) "Table B of the special focus facility list" means the table included in the special focus facility list that

identifies nursing facilities that have not improved. 27841

(B)(1) Each fiscal year, the department of medicaid shall 27842  
determine each nursing facility's quality incentive payment. 27843  
Subject to ~~divisions~~ division (B)(2) ~~and (3)~~ of this section, the 27844  
per medicaid day amount of a quality incentive payment paid to a 27845  
nursing facility provider shall be the product of the following: 27846

(a) The number of points the provider's nursing facility is 27847  
awarded for meeting accountability measures under this section; 27848

(b) Three dollars and twenty-nine cents. 27849

~~(2) The maximum quality incentive payment that may be paid to 27850  
a nursing facility provider for fiscal year 2014 shall be sixteen 27851  
dollars and forty four cents per medicaid day. 27852~~

~~(3) The maximum quality incentive payment that may be paid to 27853  
a nursing facility provider for fiscal year 2015 and each fiscal 27854  
year thereafter shall be the following: 27855~~

(a) Sixteen dollars and forty-four cents if at least one of 27856  
the points awarded to the nursing facility for meeting 27857  
accountability measures is for an accountability measure 27858  
identified in division ~~(D)~~(C)(9), (10), (11), (12), (13), or (14) 27859  
of this section; 27860

(b) Thirteen dollars and sixteen cents if division 27861  
(B)~~(3)~~(2)(a) of this section does not apply. 27862

~~(C) For fiscal year 2014 only and subject to division (E) of 27863  
this section, the department shall award each nursing facility 27864  
participating in the medicaid program one point for each of the 27865  
following accountability measures the facility meets: 27866~~

~~(1) The facility's overall score on its resident satisfaction 27867  
survey is at least eighty six. 27868~~

~~(2) The facility's overall score on its family satisfaction 27869  
survey is at least eighty eight. 27870~~

<del>(3) The facility satisfies the requirements for participation</del>	27871
<del>in the advancing excellence in America's nursing homes campaign.</del>	27872
<del>(4) The facility had neither of the following on the</del>	27873
<del>facility's most recent standard survey conducted not later than</del>	27874
<del>the last day of the calendar year immediately preceding the fiscal</del>	27875
<del>year for which the point is to be awarded or any complaint surveys</del>	27876
<del>conducted in the calendar year immediately preceding the fiscal</del>	27877
<del>year for which the point is to be awarded:</del>	27878
<del>(a) A health deficiency with a scope and severity level</del>	27879
<del>greater than F:</del>	27880
<del>(b) A deficiency that constitutes a substandard quality of</del>	27881
<del>care.</del>	27882
<del>(5) The facility offers at least fifty per cent of its</del>	27883
<del>residents at least one of the following dining choices for at</del>	27884
<del>least one meal each day:</del>	27885
<del>(a) Restaurant style dining in which food is brought from the</del>	27886
<del>food preparation area to residents per the residents' orders;</del>	27887
<del>(b) Buffet style dining in which residents obtain their own</del>	27888
<del>food, or have the facility's staff bring food to them per the</del>	27889
<del>residents' directions, from the buffet;</del>	27890
<del>(c) Family style dining in which food is customarily served</del>	27891
<del>on a serving dish and shared by residents;</del>	27892
<del>(d) Open dining in which residents have at least a two hour</del>	27893
<del>period to choose when to have a meal;</del>	27894
<del>(e) Twenty four hour dining in which residents may order</del>	27895
<del>meals from the facility any time of the day.</del>	27896
<del>(6) At least fifty per cent of the facility's residents are</del>	27897
<del>able to take a bath or shower as often as they choose.</del>	27898
<del>(7) The facility has at least both of the following scores on</del>	27899
<del>its resident satisfaction survey:</del>	27900

~~(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty nine;~~ 27901  
27902  
27903

~~(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy six.~~ 27904  
27905  
27906

~~(8) The facility has at least both of the following scores on its family satisfaction survey:~~ 27907  
27908

~~(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty eight;~~ 27909  
27910  
27911

~~(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy five.~~ 27912  
27913  
27914

~~(9) All of the following apply to the facility:~~ 27915

~~(a) At least seventy five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.~~ 27916  
27917  
27918  
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~~(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records.~~ 27924  
27925  
27926

~~(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care.~~ 27927  
27928  
27929

~~(10) Not more than thirteen and thirty five hundredths per~~ 27930



~~cent of the facility's long stay residents report severe to moderate pain during the minimum data set assessment process.~~ 27931  
27932

~~(11) Not more than five and seventy three hundredths per cent of the facility's long stay, high risk residents have been assessed as having one or more stage two, three, or four pressure ulcers during the minimum data set assessment process.~~ 27933  
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~~(12) Not more than one and fifty two hundredths per cent of the facility's long stay residents were physically restrained as reported during the minimum data set assessment process.~~ 27937  
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~~(13) Less than seven and seventy eight hundredths per cent of the facility's long stay residents had a urinary tract infection as reported during the minimum data set assessment process.~~ 27940  
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~~(14) The facility uses a tool for tracking residents' admissions to hospitals.~~ 27943  
27944

~~(15) An average of at least fifty per cent of the facility's medicaid certified beds are in private rooms.~~ 27945  
27946

~~(16) The facility has accessible resident bathrooms, all of which meet at least two of the following standards and at least some of which meet all of the following standards:~~ 27947  
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27949

~~(a) There are room mirrors that are accessible to residents in wheelchairs, can be adjusted so as to be visible to residents who are seated or standing, or both.~~ 27950  
27951  
27952

~~(b) There are room sinks that are accessible to residents in wheelchairs and have clearance for wheelchairs.~~ 27953  
27954

~~(c) There are room sinks that have faucets with adaptive or easy to use lever or paddle handles.~~ 27955  
27956

~~(17) The facility does both of the following:~~ 27957

~~(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy;~~ 27958  
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~~(b) Communicates the policy to its staff, residents, and families of residents.~~ 27961  
27962

~~(18) The facility has a score of at least ninety on its resident satisfaction survey with regard to the question in the survey regarding residents' ability to personalize their rooms with personal belongings.~~ 27963  
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27965  
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~~(19) The facility has a score of at least ninety five on its family satisfaction survey with regard to the question in the survey regarding residents' ability to personalize their rooms with personal belongings.~~ 27967  
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~~(20) The facility does both of the following:~~ 27971

~~(a) Maintains a written policy that requires consistent assignment of nurse aides and specifies the goal of having a resident receive nurse aide care from not more than eight different nurse aides during a thirty day period;~~ 27972  
27973  
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~~(b) Communicates the policy to its staff, residents, and families of residents.~~ 27976  
27977

~~(21) The facility's staff retention rate is at least seventy five per cent.~~ 27978  
27979

~~(22) The facility's turnover rate for nurse aides is not higher than sixty five per cent.~~ 27980  
27981

~~(23) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference.~~ 27982  
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~~(D)~~ For fiscal year 2015 and each fiscal year thereafter and subject to division ~~(E)~~(D) of this section, the department shall award each nursing facility participating in the medicaid program one point for each of the following accountability measures the facility meets: 27986  
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27990

(1) The facility's overall score on its resident satisfaction survey is at least eighty-seven and five-tenths.	27991 27992
(2) The facility's overall score on its family satisfaction survey is at least eighty-five and nine-tenths.	27993 27994
(3) The facility satisfies the requirements for participation in the advancing excellence in America's nursing homes campaign.	27995 27996
(4) Both of the following apply to the facility:	27997
(a) The facility had not been listed on table B of the special focus facility list for eighteen or more consecutive months during any time during the calendar year immediately preceding the fiscal year for which the point is to be awarded.	27998 27999 28000 28001
(b) The facility had neither of the following on the facility's most recent standard survey conducted not later than the last day of the calendar year immediately preceding the fiscal year for which the point is to be awarded or any complaint surveys conducted in the calendar year immediately preceding the fiscal year for which the point is to be awarded:	28002 28003 28004 28005 28006 28007
(i) A health deficiency with a scope and severity level greater than F;	28008 28009
(ii) A deficiency that constitutes a substandard quality of care.	28010 28011
(5) The facility does all of the following:	28012
(a) Offers at least fifty per cent of its residents at least one of the following dining choices for at least two meals each day:	28013 28014 28015
(i) Restaurant-style dining in which food is brought from the food preparation area to residents per the residents' orders;	28016 28017
(ii) Buffet-style dining in which residents obtain their own food, or have the facility's staff bring food to them per the residents' directions, from the buffet;	28018 28019 28020

(iii) Family-style dining in which food is customarily served on a serving dish and shared by residents;	28021 28022
(iv) Open dining in which residents have at least a two-hour period to choose when to have a meal;	28023 28024
(v) Twenty-four-hour dining in which residents may order meals from the facility any time of the day.	28025 28026
(b) Maintains a written policy specifying the manner or manners in which residents' dining choices for meals are offered;	28027 28028
(c) Communicates the policy to its staff, residents, and families of residents.	28029 28030
(6) The facility does all of the following:	28031
(a) Enables at least fifty per cent of the facility's residents to take a bath or shower when they choose;	28032 28033
(b) Maintains a written policy regarding residents' choices in bathing;	28034 28035
(c) Communicates the policy to its staff, residents, and families of residents.	28036 28037
(7) The facility has at least both of the following scores on its resident satisfaction survey:	28038 28039
(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine;	28040 28041 28042
(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six.	28043 28044 28045
(8) The facility has at least both of the following scores on its family satisfaction survey:	28046 28047
(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at	28048 28049

least eighty-eight; 28050

(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five. 28051  
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(9) Not more than thirteen and thirty-five hundredths per cent of the facility's long-stay residents report severe to moderate pain during the minimum data set assessment process. 28054  
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(10) Not more than five and sixteen hundredths per cent of the facility's long-stay, high-risk residents have been assessed as having one or more stage two, three, or four pressure ulcers during the minimum data set assessment process. 28057  
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(11) Not more than one and fifty-two hundredths per cent of the facility's long-stay residents were physically restrained as reported during the minimum data set assessment process. 28061  
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(12) Less than seven per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process. 28064  
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28066

(13) The facility does both of the following: 28067

(a) Uses a tool for tracking residents' admissions to hospitals; 28068  
28069

(b) Annually reports to the department data on hospital admissions by month for all residents. 28070  
28071

(14) Both of the following apply: 28072

(a) At least ninety-five per cent of the facility's long-stay residents are vaccinated against pneumococcal pneumonia, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated. 28073  
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(b) At least ninety-three per cent of the facility's long-stay residents are vaccinated against seasonal influenza, decline the vaccination, or are not vaccinated because the 28077  
28078  
28079

vaccination is medically contraindicated. 28080

(15) An average of at least fifty per cent of the facility's 28081  
medicaid-certified beds are in either, or in a combination of 28082  
both, of the following: 28083

(a) Private rooms; 28084

(b) Semiprivate rooms to which all of the following apply: 28085

(i) Each room provides a distinct territory for each resident 28086  
occupying the room. 28087

(ii) Each distinct territory has a window and is separated by 28088  
a substantial wall from the other distinct territories in the 28089  
room. 28090

(iii) Each resident is able to enter and exit the distinct 28091  
territory of the resident's room without entering or exiting 28092  
another resident's distinct territory. 28093

(iv) Complete visual privacy for each distinct territory may 28094  
be obtained by drawing a curtain or other screen. 28095

(16) The facility obtains at least a ninety-five per cent 28096  
compliance rate with requesting resident reviews required by 42 28097  
C.F.R. 483.106(b)(2)(ii) for individuals who are exempted hospital 28098  
discharges. 28099

(17) The facility does both of the following: 28100

(a) Maintains a written policy that requires consistent 28101  
assignment of nurse aides and specifies the goal of having a 28102  
resident receive nurse aide care from not more than twelve 28103  
different nurse aides during a thirty-day period; 28104

(b) Communicates the policy to its staff, residents, and 28105  
families of residents. 28106

(18) The facility's staff retention rate is at least 28107  
seventy-five per cent. 28108

(19) The facility's turnover rate for nurse aides is not higher than sixty-five per cent.	28109 28110
(20) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference.	28111 28112 28113 28114
(21) All of the following apply to the facility:	28115
(a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.	28116 28117 28118 28119 28120 28121 28122 28123
(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records.	28124 28125 28126
(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care.	28127 28128 28129
(22) The facility does both of the following:	28130
(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy;	28131 28132 28133
(b) Communicates the policy to its staff, residents, and families of residents.	28134 28135
<u>(23) The facility employs, for at least forty hours per week, at least one independent social worker or social worker licensed under Chapter 4757. of the Revised Code.</u>	28136 28137 28138

(24) The facility utilizes a person-centered method of medication delivery for its residents instead of utilizing a medication cart to deliver medication to its residents. 28139  
28140  
28141

~~(E)(D)~~(1) To be awarded a point for meeting an accountability measure under division (C) ~~or (D)~~ of this section other than the accountability measure identified in ~~divisions (C)(4) and (D)~~ division (C)(4)(b) of this section, a nursing facility must meet the accountability measure in the calendar year immediately preceding the fiscal year for which the point is to be awarded. 28142  
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(2) The department shall award points pursuant to divisions (C)(1), ~~(7), and (18)~~ and ~~(D)(1)~~ and (7) of this section to a nursing facility only if a resident satisfaction survey was initiated under section 173.47 of the Revised Code for the nursing facility in the calendar year immediately preceding the fiscal year for which the points are to be awarded. 28148  
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(3) The department shall award points pursuant to divisions (C)(2), ~~(8), and (19)~~ and ~~(D)(2)~~ and (8) of this section to a nursing facility only if a family satisfaction survey was initiated under section 173.47 of the Revised Code for the nursing facility in the calendar year immediately preceding the fiscal year for which the points are to be awarded. 28154  
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(4) The department shall award points pursuant to divisions ~~(D)~~(C)(21) and (22) of this section only for fiscal year 2015. 28160  
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~~(5) Not later than July 1, 2013, the department shall adjust the score used for the purpose of division (C)(8)(b) of this section in a manner that causes at least fifty per cent of nursing facilities to meet division (C)(8)(b) of this section. The department shall award points pursuant to divisions (C)(23) and (24) of this section beginning in fiscal year 2016.~~ 28162  
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~~(F) Not later than July 1, 2014, the department shall submit, in accordance with section 101.68 of the Revised Code,~~ 28168  
28169



~~recommendations to the general assembly for accountability 28170~~  
~~measures to replace the accountability measures identified in 28171~~  
~~divisions (D)(21) and (22) of this section. 28172~~

~~(C) Rules adopted under section 5165.02 of the Revised Code 28173~~  
~~may specify what is meant by "some" as that word is used in 28174~~  
~~division (C)(16) of this section. 28175~~

**Sec. 5165.65.** (A) ~~At the conclusion of each~~ A department of 28176  
health survey team shall conclude each survey of a nursing 28177  
facility not later than one business day after the survey team 28178  
ceases to need to be on site at the facility for the survey. Not 28179  
later than the day that the survey team concludes the survey, the 28180  
~~department of health~~ survey team shall conduct an exit interview 28181  
with the administrator or other person in charge of the ~~nursing~~ 28182  
facility and any other facility staff members designated by the 28183  
administrator or person in charge of the facility. During the exit 28184  
interview, at the request of the administrator or other person in 28185  
charge of the facility, the survey team shall provide one of the 28186  
following, as selected by the survey team: 28187

(1) Copies of all survey notes and any other written 28188  
materials created during the survey; 28189

(2) A written summary of the survey team's recommendations 28190  
regarding findings of noncompliance with certification 28191  
requirements; 28192

(3) An audio or audiovisual recording of the interview. If 28193  
the survey team selects this option, at least two copies of the 28194  
recording shall be made and the survey team shall select one copy 28195  
to be kept by the survey team for use by the department of health. 28196

(B) All expenses of copying under division (A)(1) of this 28197  
section or recording under division (A)(3) of this section, 28198  
including the cost of the copy of the recording kept by the survey 28199

team, shall be paid by the facility. 28200

**Sec. 5165.68.** (A) Not later than ten days after an exit 28201  
interview, including an exit interview at which a department of 28202  
health survey team discloses a finding that immediate jeopardy 28203  
exists, the department of health shall deliver to the nursing 28204  
facility a detailed statement, titled a statement of deficiencies, 28205  
setting forth all findings and deficiencies cited on the basis of 28206  
the survey, including any finding cited pursuant to division (E) 28207  
of section 5165.66 of the Revised Code. The statement shall 28208  
indicate the severity and scope level of each finding and fully 28209  
describe the incidents or other facts that form the basis of the 28210  
department's determination of the existence of each finding and 28211  
deficiency. A failure by the survey team to completely disclose in 28212  
the exit interview every finding that may result from the survey 28213  
does not affect the validity of any finding or deficiency cited in 28214  
the statement of deficiencies. On request of the facility, the 28215  
department shall provide a copy of any written worksheet or other 28216  
document produced by the survey team in making recommendations 28217  
regarding scope and severity levels of findings and deficiencies. 28218

(B) At the same time the department of health delivers a 28219  
statement of deficiencies, it also shall deliver to the facility a 28220  
separate written notice that states all of the following: 28221

(1) That the department of medicaid or a contracting agency 28222  
will issue an order under section 5165.84 of the Revised Code 28223  
denying payment for any medicaid eligible residents admitted on 28224  
and after the effective date of the order if the facility does not 28225  
substantially correct, within ninety days after the exit 28226  
interview, the deficiency or deficiencies cited in the statement 28227  
of deficiencies in accordance with the plan of correction it 28228  
submitted under section 5165.69 of the Revised Code; 28229

(2) If a condition of substandard care has been cited on the 28230

basis of a standard survey and a condition of substandard care was 28231  
also cited on the immediately preceding standard survey, that the 28232  
department of medicaid or a contracting agency will issue an order 28233  
under section 5165.84 of the Revised Code denying payment for any 28234  
medicaid eligible residents admitted on and after the effective 28235  
date of the order if a condition of substandard care is cited on 28236  
the basis of the next standard survey; 28237

(3) That the department of medicaid or a contracting agency 28238  
will issue an order under section 5165.88 of the Revised Code 28239  
terminating the facility's participation in the medicaid program 28240  
if either of the following applies: 28241

(a) The facility does not substantially correct the 28242  
deficiency or deficiencies in accordance with the plan of 28243  
correction it submitted under section 5165.69 of the Revised Code 28244  
within six months after the exit interview. 28245

(b) The facility substantially corrects the deficiency or 28246  
deficiencies within the six-month period, but after correcting it, 28247  
the department of health, based on a follow-up survey conducted 28248  
during the remainder of the six-month period, determines that the 28249  
facility has failed to maintain compliance with certification 28250  
requirements. 28251

**Sec. 5502.26.** (A) The board of county commissioners of a 28252  
county and the chief executive of all or a majority of the other 28253  
political subdivisions within the county may enter into a written 28254  
agreement establishing a countywide emergency management agency. 28255

A representative from each political subdivision entering 28256  
into the agreement, selected by the political subdivision's chief 28257  
executive, shall constitute a countywide advisory group for the 28258  
purpose of appointing an executive committee under this ~~section~~ 28259  
division through which the countywide agency shall implement 28260  
emergency management in the county in accordance with this ~~section~~ 28261

division and for the purpose of advising the executive committee 28262  
on matters pertaining to countywide emergency management. The 28263  
executive committee shall consist of at least the following seven 28264  
members: one county commissioner representing the board of county 28265  
commissioners entering into the agreement; five chief executives 28266  
representing the municipal corporations and townships entering 28267  
into the agreement; and one nonelected representative. The 28268  
countywide agreement shall specify how many additional members, if 28269  
any, shall serve on the executive committee and their manner of 28270  
selection. 28271

The agency shall be supported financially by the political 28272  
subdivisions entering into the countywide agreement. The executive 28273  
committee shall appoint a director/coordinator of emergency 28274  
management who shall pursue and complete a professional 28275  
development training program in accordance with rules adopted 28276  
under section 5502.25 of the Revised Code. The 28277  
director/coordinator of emergency management may be an official or 28278  
employee of any political subdivision entering into the countywide 28279  
agreement, except that the director/coordinator shall not be the 28280  
chief executive of any such political subdivision. 28281

A countywide emergency management agency organized under this 28282  
~~section~~ division shall establish a program for emergency 28283  
management that: 28284

(1) Is in accordance with sections 5502.21 to 5502.51 of the 28285  
Revised Code, rules adopted under those sections, local ordinances 28286  
pertaining to emergency management, the "Robert T. Stafford 28287  
Disaster Relief and Emergency Assistance Act," 88 Stat. 143, 42 28288  
U.S.C. 5121, et. seq., as amended, and all applicable rules and 28289  
regulations adopted under that act; 28290

(2) Includes, without limitation, development of an 28291  
all-hazards emergency operations plan that has been coordinated 28292  
with all agencies, boards, and divisions having emergency 28293

management functions within the county; 28294

(3) Includes the preparation and conduct of an annual 28295

exercise of the county's all-hazards emergency operations plan; 28296

(4) Is applicable to all political subdivisions entering into 28297

the countywide agreement. 28298

The director/coordinator of emergency management for a 28299

countywide agency organized under this ~~section~~ division shall be 28300

responsible for coordinating, organizing, administering, and 28301

operating emergency management in accordance with the agency's 28302

program established under this ~~section~~ division, subject to the 28303

direction and control of the executive committee. All agencies, 28304

boards, and divisions having emergency management functions within 28305

each political subdivision within the county shall cooperate in 28306

the development of the all-hazards emergency operations plan and 28307

shall cooperate in the preparation and conduct of the annual 28308

exercise. 28309

(B) As an alternative to the creation of a countywide 28310

emergency management agency under division (A) of this section, 28311

the board of county commissioners of a county, by resolution, may 28312

enter into a contract, not to exceed four years, to implement a 28313

countywide emergency management program that meets the 28314

requirements and conditions specified in divisions (A)(1) to (3) 28315

of this section. The board shall enter into the contract with the 28316

county sheriff or a chief of a fire department that has countywide 28317

authority. 28318

The county commissioners shall financially support the 28319

sheriff or fire department chief pursuant to division (B) of 28320

section 5502.261 of the Revised Code. 28321

The sheriff or chief of a fire department shall appoint a 28322

director/coordinator of emergency management for the countywide 28323

emergency management program. The director/coordinator shall 28324

pursue and complete a professional development training program in 28325  
accordance with rules adopted under section 5502.25 of the Revised 28326  
Code. The director/coordinator is responsible for coordinating, 28327  
organizing, administering, and operating emergency management in 28328  
accordance with the program established under this division, 28329  
subject to the direction of the sheriff or chief of a fire 28330  
department. All agencies, boards, and divisions having emergency 28331  
management functions within each political subdivision within the 28332  
county shall cooperate in the development of the all-hazards 28333  
emergency operations plan and shall cooperate in the preparation 28334  
and conduct of the annual exercise. 28335

(C) Nothing in this section requires any political 28336  
subdivision that is located within a county that has entered into 28337  
a written agreement under division (A) of this section 28338  
establishing a countywide emergency management agency to enter 28339  
into that agreement, provided that the political subdivision has 28340  
established a program for emergency management in accordance with 28341  
section 5502.271 of the Revised Code. 28342

~~(C)~~(D) A countywide emergency management agency shall be 28343  
considered a county board and shall receive the services of the 28344  
auditor, treasurer, and prosecuting attorney of the county in the 28345  
same manner as other county agencies, boards, or divisions. 28346

**Sec. 5502.261.** (A) A board of county commissioners that has 28347  
entered into an agreement to establish a countywide emergency 28348  
management agency may appropriate money from its general fund to 28349  
support the functions and operations of the agency, including the 28350  
development, acquisition, operation, and maintenance of a 28351  
countywide public safety communication system and any 28352  
communication devices, radios, and other equipment necessary for 28353  
the system's operation and use. Money appropriated under this 28354  
~~section~~ division may be expended to purchase and maintain the 28355

assets or equipment of the agency, including equipment used by the 28356  
personnel of other political subdivisions that have entered into 28357  
the agreement with the board establishing the agency. Money also 28358  
may be appropriated under this ~~section~~ division directly to a 28359  
political subdivision that has entered into the agreement with the 28360  
board establishing the agency, to enable the political subdivision 28361  
to purchase communication devices, radios, and other equipment 28362  
necessary for the countywide public safety communication system's 28363  
operation and use. 28364

(B) A board of county commissioners that has entered into a 28365  
contract to establish a countywide emergency management program 28366  
may appropriate money from its general fund to meet its 28367  
obligations under the contract, including the development, 28368  
acquisition, operation, and maintenance of a countywide public 28369  
safety communication system and any communication devices, radios, 28370  
and other equipment necessary for the system's operation and use. 28371  
Money appropriated under this division may be expended to purchase 28372  
and maintain the assets or equipment of the county or of the 28373  
sheriff or chief of a fire department who has entered into the 28374  
contract with the board, including equipment used by the personnel 28375  
of the sheriff or chief. The board also may appropriate money 28376  
under this division directly to the office of the sheriff or chief 28377  
who has entered into the contract with the board, to enable the 28378  
sheriff or chief to purchase communication devices, radios, and 28379  
other equipment necessary for the countywide public safety 28380  
communication system's operation and use. 28381

**Sec. 5513.01.** (A) ~~All~~ The director of transportation shall 28382  
make all purchases of machinery, materials, supplies, or other 28383  
articles ~~that the director of transportation makes shall be~~ in the 28384  
manner provided in this section. In all cases except those in 28385  
which the director provides written authorization for purchases by 28386  
district deputy directors of transportation, the director shall 28387

make all such purchases ~~shall be made~~ at the central office of the 28388  
department of transportation in Columbus. Before making any 28389  
purchase at that office, the director, as provided in this 28390  
section, shall give notice to bidders of the director's intention 28391  
to purchase. Where the expenditure does not exceed the amount 28392  
applicable to the purchase of supplies specified in division (B) 28393  
of section 125.05 of the Revised Code, as adjusted pursuant to 28394  
division (D) of that section, the director shall give such notice 28395  
as the director considers proper, or the director may make the 28396  
purchase without notice. Where the expenditure exceeds the amount 28397  
applicable to the purchase of supplies specified in division (B) 28398  
of section 125.05 of the Revised Code, as adjusted pursuant to 28399  
division (D) of that section, the director shall give notice by 28400  
posting for not less than ten days a written, typed, or printed 28401  
invitation to bidders on a bulletin board, ~~which.~~ The director 28402  
~~shall be located~~ locate the notice in a place in the offices 28403  
assigned to the department and open to the public during business 28404  
hours. ~~Producers~~ 28405

Producers or distributors of any product may notify the 28406  
director, in writing, of the class of articles for the furnishing 28407  
of which they desire to bid and their post-office addresses, ~~in~~ 28408  
~~which case.~~ In that circumstance, the director shall mail copies 28409  
of all invitations to bidders relating to the purchase of such 28410  
articles ~~shall be mailed~~ to such persons ~~by the director~~ by 28411  
regular first class mail at least ten days prior to the time fixed 28412  
for taking bids. The director also may mail copies of all 28413  
invitations to bidders to news agencies or other agencies or 28414  
organizations distributing information of this character. Requests 28415  
for invitations ~~shall~~ are not be valid ~~nor~~ and do not require 28416  
action by the director unless renewed by the director, either 28417  
annually or after such shorter period as the director may 28418  
prescribe by a general rule. ~~The~~ 28419



The director shall include in an invitation to bidders ~~shall~~ 28420  
~~contain~~ a brief statement of the general character of the article 28421  
that it is intended to purchase, the approximate quantity desired, 28422  
and a statement of the time and place where bids will be received, 28423  
and may relate to and describe as many different articles as the 28424  
director thinks proper, it being the intent and purpose of this 28425  
section to authorize the inclusion in a single invitation of as 28426  
many different articles as the director desires to invite bids 28427  
upon at any given time. ~~Invitations~~ The director shall give 28428  
invitations issued during each calendar year ~~shall be given~~ 28429  
consecutive numbers, and ensure that the number assigned to each 28430  
invitation ~~shall appear~~ appears on all copies thereof. In all 28431  
cases where notice is required by this section, the director shall 28432  
require sealed bids ~~shall be taken~~, on forms prescribed and 28433  
furnished by the director, ~~and~~. The director shall not permit the 28434  
modification of bids after they have been opened ~~shall not be~~ 28435  
~~permitted~~. 28436

(B) The director may permit the Ohio turnpike and 28437  
infrastructure commission, any political subdivision, and any 28438  
state university or college to participate in contracts into which 28439  
the director has entered for the purchase of machinery, materials, 28440  
supplies, or other articles. The turnpike and infrastructure 28441  
commission and any political subdivision or state university or 28442  
college desiring to participate in such purchase contracts shall 28443  
file with the director a certified copy of the bylaws or rules of 28444  
the turnpike and infrastructure commission or the ordinance or 28445  
resolution of the legislative authority, board of trustees, or 28446  
other governing board requesting authorization to participate in 28447  
such contracts and agreeing to be bound by such terms and 28448  
conditions as the director prescribes. Purchases made by the 28449  
turnpike and infrastructure commission, political subdivisions, or 28450  
state universities or colleges under this division are exempt from 28451  
any competitive bidding required by law for the purchase of 28452

machinery, materials, supplies, or other articles.	28453
(C) As used in this section:	28454
(1) "Political subdivision" means any county, township,	28455
municipal corporation, conservancy district, township park	28456
district, park district created under Chapter 1545. of the Revised	28457
Code, port authority, regional transit authority, regional airport	28458
authority, regional water and sewer district, county transit	28459
board, <del>or</del> school district as defined in section 5513.04 of the	28460
Revised Code, <u>regional planning commission formed under section</u>	28461
<u>713.21 of the Revised Code, regional council of government formed</u>	28462
<u>under section 167.01 of the Revised Code, or other association of</u>	28463
<u>local governments established pursuant to an agreement under</u>	28464
<u>sections 307.14 to 307.19 of the Revised Code.</u>	28465
(2) "State university or college" has the same meaning as in	28466
division (A)(1) of section 3345.32 of the Revised Code.	28467
(3) "Ohio turnpike and infrastructure commission" means the	28468
commission created by section 5537.02 of the Revised Code.	28469
<b>Sec. 5531.10.</b> (A) As used in this chapter:	28470
(1) "Bond proceedings" means the resolution, order, trust	28471
agreement, indenture, lease, lease-purchase agreements, and other	28472
agreements, amendments and supplements to the foregoing, or any	28473
one or more or combination thereof, authorizing or providing for	28474
the terms and conditions applicable to, or providing for the	28475
security or liquidity of, obligations issued pursuant to this	28476
section, and the provisions contained in such obligations.	28477
(2) "Bond service charges" means principal, including	28478
mandatory sinking fund requirements for retirement of obligations,	28479
and interest, and redemption premium, if any, required to be paid	28480
by the state on obligations.	28481
(3) "Bond service fund" means the applicable fund and	28482

accounts therein created for and pledged to the payment of bond 28483  
service charges, which may be, or may be part of, the state 28484  
infrastructure bank revenue bond service fund created by division 28485  
(R) of this section including all moneys and investments, and 28486  
earnings from investments, credited and to be credited thereto. 28487

(4) "Issuing authority" means the treasurer of state, or the 28488  
officer who by law performs the functions of the treasurer of 28489  
state. 28490

(5) "Obligations" means bonds, notes, or other evidence of 28491  
obligation including interest coupons pertaining thereto, issued 28492  
pursuant to this section. 28493

(6) "Pledged receipts" means moneys accruing to the state 28494  
from the lease, lease-purchase, sale, or other disposition, or 28495  
use, of qualified projects, and from the repayment, including 28496  
interest, of loans made from proceeds received from the sale of 28497  
obligations; accrued interest received from the sale of 28498  
obligations; income from the investment of the special funds; any 28499  
gifts, grants, donations, and pledges, and receipts therefrom, 28500  
available for the payment of bond service charges; and any amounts 28501  
in the state infrastructure bank pledged to the payment of such 28502  
charges. If the amounts in the state infrastructure bank are 28503  
insufficient for the payment of such charges, "pledged receipts" 28504  
also means moneys that are apportioned by the United States 28505  
secretary of transportation under United States Code, Title XXIII, 28506  
as amended, or any successor legislation, or under any other 28507  
federal law relating to aid for highways, and that are to be 28508  
received as a grant by the state, to the extent the state is not 28509  
prohibited by state or federal law from using such moneys and the 28510  
moneys are pledged to the payment of such bond service charges. 28511

(7) "Special funds" or "funds" means, except where the 28512  
context does not permit, the bond service fund, and any other 28513  
funds, including reserve funds, created under the bond 28514

proceedings, and the state infrastructure bank revenue bond 28515  
service fund created by division (R) of this section to the extent 28516  
provided in the bond proceedings, including all moneys and 28517  
investments, and earnings from investment, credited and to be 28518  
credited thereto. 28519

(8) "State infrastructure project" means any public 28520  
transportation project undertaken by the state, including, but not 28521  
limited to, all components of any such project, as described in 28522  
division (D) of section 5531.09 of the Revised Code. 28523

(9) "District obligations" means bonds, notes, or other 28524  
evidence of obligation including interest coupons pertaining 28525  
thereto, issued to finance a qualified project by a transportation 28526  
improvement district created pursuant to section 5540.02 of the 28527  
Revised Code, of which the principal, including mandatory sinking 28528  
fund requirements for retirement of such obligations, and interest 28529  
and redemption premium, if any, are payable by the department of 28530  
transportation. 28531

(B) The issuing authority, after giving written notice to the 28532  
director of budget and management and upon the certification by 28533  
the director of transportation to the issuing authority of the 28534  
amount of moneys or additional moneys needed either for state 28535  
infrastructure projects or to provide financial assistance for any 28536  
of the purposes for which the state infrastructure bank may be 28537  
used under section 5531.09 of the Revised Code, or needed for 28538  
capitalized interest, funding reserves, and paying costs and 28539  
expenses incurred in connection with the issuance, carrying, 28540  
securing, paying, redeeming, or retirement of the obligations or 28541  
any obligations refunded thereby, including payment of costs and 28542  
expenses relating to letters of credit, lines of credit, 28543  
insurance, put agreements, standby purchase agreements, indexing, 28544  
marketing, remarketing and administrative arrangements, interest 28545  
swap or hedging agreements, and any other credit enhancement, 28546

liquidity, remarketing, renewal, or refunding arrangements, all of 28547  
which are authorized by this section, shall issue obligations of 28548  
the state under this section in the required amount. The proceeds 28549  
of such obligations, except for the portion to be deposited in 28550  
special funds, including reserve funds, as may be provided in the 28551  
bond proceedings, shall as provided in the bond proceedings be 28552  
credited to the infrastructure bank obligations fund of the state 28553  
infrastructure bank created by section 5531.09 of the Revised Code 28554  
and disbursed as provided in the bond proceedings for such 28555  
obligations. The issuing authority may appoint trustees, paying 28556  
agents, transfer agents, and authenticating agents, and may retain 28557  
the services of financial advisors, accounting experts, and 28558  
attorneys, and retain or contract for the services of marketing, 28559  
remarketing, indexing, and administrative agents, other 28560  
consultants, and independent contractors, including printing 28561  
services, as are necessary in the issuing authority's judgment to 28562  
carry out this section. The costs of such services are payable 28563  
from funds of the state infrastructure bank or as otherwise 28564  
provided in the bond proceedings. 28565

(C) The holders or owners of such obligations shall have no 28566  
right to have moneys raised by taxation by the state of Ohio 28567  
obligated or pledged, and moneys so raised shall not be obligated 28568  
or pledged, for the payment of bond service charges. The right of 28569  
such holders and owners to the payment of bond service charges is 28570  
limited to all or that portion of the pledged receipts and those 28571  
special funds pledged thereto pursuant to the bond proceedings for 28572  
such obligations in accordance with this section, and each such 28573  
obligation shall bear on its face a statement to that effect. 28574  
Moneys received as repayment of loans made by the state 28575  
infrastructure bank pursuant to section 5531.09 of the Revised 28576  
Code shall not be considered moneys raised by taxation by the 28577  
state of Ohio regardless of the source of the moneys. 28578

(D) Obligations shall be authorized by order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding twenty-five years from the date of issuance or, with respect to obligations issued to finance a transportation facility pursuant to a public-private agreement, not exceeding forty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings also shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the issuing authority may determine, of the pledged receipts and the applicable special fund or funds to the payment of bond service charges, which pledges may be made either prior or subordinate to other expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state immediately are subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery

of funds or for the filing or recording of the bond proceedings by 28612  
which such pledge is created or any certificate, statement, or 28613  
other document with respect thereto; and the pledge of such 28614  
pledged receipts and special funds is effective and the money 28615  
therefrom and thereof may be applied to the purposes for which 28616  
pledged without necessity for any act of appropriation. Every 28617  
pledge, and every covenant and agreement made with respect 28618  
thereto, made in the bond proceedings may therein be extended to 28619  
the benefit of the owners and holders of obligations authorized by 28620  
this section, and to any trustee therefor, for the further 28621  
security of the payment of the bond service charges. 28622

For purposes of this division, "transportation facility" and 28623  
"public-private agreement" have the same meanings as in section 28624  
5501.70 of the Revised Code. 28625

(E) The bond proceedings may contain additional provisions as 28626  
to: 28627

(1) The redemption of obligations prior to maturity at the 28628  
option of the issuing authority at such price or prices and under 28629  
such terms and conditions as are provided in the bond proceedings; 28630

(2) Other terms of the obligations; 28631

(3) Limitations on the issuance of additional obligations; 28632

(4) The terms of any trust agreement or indenture securing 28633  
the obligations or under which the same may be issued; 28634

(5) The deposit, investment, and application of special 28635  
funds, and the safeguarding of moneys on hand or on deposit, 28636  
without regard to Chapter 131. or 135. of the Revised Code, but 28637  
subject to any special provisions of this section with respect to 28638  
particular funds or moneys, provided that any bank or trust 28639  
company which acts as depository of any moneys in the special 28640  
funds may furnish such indemnifying bonds or may pledge such 28641  
securities as required by the issuing authority; 28642

(6) Any or every provision of the bond proceedings being 28643  
binding upon such officer, board, commission, authority, agency, 28644  
department, or other person or body as may from time to time have 28645  
the authority under law to take such actions as may be necessary 28646  
to perform all or any part of the duty required by such provision; 28647

(7) Any provision that may be made in a trust agreement or 28648  
indenture; 28649

(8) Any other or additional agreements with the holders of 28650  
the obligations, or the trustee therefor, relating to the 28651  
obligations or the security therefor, including the assignment of 28652  
mortgages or other security relating to financial assistance for 28653  
qualified projects under section 5531.09 of the Revised Code. 28654

(F) The obligations may have the great seal of the state or a 28655  
facsimile thereof affixed thereto or printed thereon. The 28656  
obligations and any coupons pertaining to obligations shall be 28657  
signed or bear the facsimile signature of the issuing authority. 28658  
Any obligations or coupons may be executed by the person who, on 28659  
the date of execution, is the proper issuing authority although on 28660  
the date of such bonds or coupons such person was not the issuing 28661  
authority. In case the issuing authority whose signature or a 28662  
facsimile of whose signature appears on any such obligation or 28663  
coupon ceases to be the issuing authority before delivery thereof, 28664  
such signature or facsimile nevertheless is valid and sufficient 28665  
for all purposes as if the former issuing authority had remained 28666  
the issuing authority until such delivery; and in case the seal to 28667  
be affixed to obligations has been changed after a facsimile of 28668  
the seal has been imprinted on such obligations, such facsimile 28669  
seal shall continue to be sufficient as to such obligations and 28670  
obligations issued in substitution or exchange therefor. 28671

(G) All obligations are negotiable instruments and securities 28672  
under Chapter 1308. of the Revised Code, subject to the provisions 28673  
of the bond proceedings as to registration. The obligations may be 28674



issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank ~~having~~ possessing corporate trust powers that has a place of business within or without the state. Any such agreement or indenture may contain the order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;

(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the

obligations were issued, enforcement of such payments or agreement 28706  
by mandamus, the appointment of a receiver, suit in equity, action 28707  
at law, or any combination of the foregoing; 28708

(3) The rights and remedies of the holders of obligations and 28709  
of the trustee, and provisions for protecting and enforcing them, 28710  
including limitations on the rights of individual holders of 28711  
obligations; 28712

(4) The replacement of any obligations that become mutilated 28713  
or are destroyed, lost, or stolen; 28714

(5) Such other provisions as the trustee and the issuing 28715  
authority agree upon, including limitations, conditions, or 28716  
qualifications relating to any of the foregoing. 28717

(K) Any holder of obligations or a trustee under the bond 28718  
proceedings, except to the extent that the holder's or trustee's 28719  
rights are restricted by the bond proceedings, may by any suitable 28720  
form of legal proceedings, protect and enforce any rights under 28721  
the laws of this state or granted by such bond proceedings. Such 28722  
rights include the right to compel the performance of all duties 28723  
of the issuing authority and the director of transportation 28724  
required by the bond proceedings or sections 5531.09 and 5531.10 28725  
of the Revised Code; to enjoin unlawful activities; and in the 28726  
event of default with respect to the payment of any bond service 28727  
charges on any obligations or in the performance of any covenant 28728  
or agreement on the part of the issuing authority or the director 28729  
of transportation in the bond proceedings, to apply to a court 28730  
having jurisdiction of the cause to appoint a receiver to receive 28731  
and administer the pledged receipts and special funds, other than 28732  
those in the custody of the treasurer of state, which are pledged 28733  
to the payment of the bond service charges on such obligations or 28734  
which are the subject of the covenant or agreement, with full 28735  
power to pay, and to provide for payment of bond service charges 28736  
on, such obligations, and with such powers, subject to the 28737

direction of the court, as are accorded receivers in general 28738  
equity cases, excluding any power to pledge additional revenues or 28739  
receipts or other income or moneys of the state or local 28740  
governmental entities, or agencies thereof, to the payment of such 28741  
principal and interest and excluding the power to take possession 28742  
of, mortgage, or cause the sale or otherwise dispose of any 28743  
project facilities. 28744

Each duty of the issuing authority and the issuing 28745  
authority's officers and employees, and of each state or local 28746  
governmental agency and its officers, members, or employees, 28747  
undertaken pursuant to the bond proceedings or any loan, loan 28748  
guarantee, lease, lease-purchase agreement, or other agreement 28749  
made under authority of section 5531.09 of the Revised Code, and 28750  
in every agreement by or with the issuing authority, is hereby 28751  
established as a duty of the issuing authority, and of each such 28752  
officer, member, or employee having authority to perform such 28753  
duty, specifically enjoined by the law resulting from an office, 28754  
trust, or station within the meaning of section 2731.01 of the 28755  
Revised Code. 28756

The person who is at the time the issuing authority, or the 28757  
issuing authority's officers or employees, are not liable in their 28758  
personal capacities on any obligations issued by the issuing 28759  
authority or any agreements of or with the issuing authority. 28760

(L) The issuing authority may authorize and issue obligations 28761  
for the refunding, including funding and retirement, and advance 28762  
refunding with or without payment or redemption prior to maturity, 28763  
of any obligations previously issued by the issuing authority or 28764  
district obligations. Such refunding obligations may be issued in 28765  
amounts sufficient for payment of the principal amount of the 28766  
prior obligations or district obligations, any redemption premiums 28767  
thereon, principal maturities of any such obligations or district 28768  
obligations maturing prior to the redemption of the remaining 28769

obligations or district obligations on a parity therewith, 28770  
interest accrued or to accrue to the maturity dates or dates of 28771  
redemption of such obligations or district obligations, and any 28772  
expenses incurred or to be incurred in connection with such 28773  
issuance and such refunding, funding, and retirement. Subject to 28774  
the bond proceedings therefor, the portion of proceeds of the sale 28775  
of refunding obligations issued under this division to be applied 28776  
to bond service charges on the prior obligations or district 28777  
obligations shall be credited to an appropriate account held by 28778  
the trustee for such prior or new obligations or to the 28779  
appropriate account in the bond service fund for such obligations 28780  
or district obligations. Obligations authorized under this 28781  
division shall be deemed to be issued for those purposes for which 28782  
such prior obligations or district obligations were issued and are 28783  
subject to the provisions of this section pertaining to other 28784  
obligations, except as otherwise provided in this section. The 28785  
last maturity of obligations authorized under this division shall 28786  
not be later than ~~twenty five years from the date of issuance~~ the 28787  
latest permitted maturity of the original securities issued for 28788  
the original purpose. 28789

(M) The authority to issue obligations under this section 28790  
includes authority to issue obligations in the form of bond 28791  
anticipation notes and to renew the same from time to time by the 28792  
issuance of new notes. The holders of such notes or interest 28793  
coupons pertaining thereto shall have a right to be paid solely 28794  
from the pledged receipts and special funds that may be pledged to 28795  
the payment of the bonds anticipated, or from the proceeds of such 28796  
bonds or renewal notes, or both, as the issuing authority provides 28797  
in the order authorizing such notes. Such notes may be 28798  
additionally secured by covenants of the issuing authority to the 28799  
effect that the issuing authority and the state will do such or 28800  
all things necessary for the issuance of such bonds or renewal 28801  
notes in the appropriate amount, and apply the proceeds thereof to 28802

the extent necessary, to make full payment of the principal of and 28803  
interest on such notes at the time or times contemplated, as 28804  
provided in such order. For such purpose, the issuing authority 28805  
may issue bonds or renewal notes in such principal amount and upon 28806  
such terms as may be necessary to provide funds to pay when 28807  
required the principal of and interest on such notes, 28808  
notwithstanding any limitations prescribed by or for purposes of 28809  
this section. Subject to this division, all provisions for and 28810  
references to obligations in this section are applicable to notes 28811  
authorized under this division. 28812

The issuing authority in the bond proceedings authorizing the 28813  
issuance of bond anticipation notes shall set forth for such bonds 28814  
an estimated interest rate and a schedule of principal payments 28815  
for such bonds and the annual maturity dates thereof. 28816

(N) Obligations issued under this section are lawful 28817  
investments for banks, societies for savings, savings and loan 28818  
associations, deposit guarantee associations, trust companies, 28819  
trustees, fiduciaries, insurance companies, including domestic for 28820  
life and domestic not for life, trustees or other officers having 28821  
charge of sinking and bond retirement or other special funds of 28822  
political subdivisions and taxing districts of this state, the 28823  
commissioners of the sinking fund of the state, the administrator 28824  
of workers' compensation, the state teachers retirement system, 28825  
the public employees retirement system, the school employees 28826  
retirement system, and the Ohio police and fire pension fund, 28827  
notwithstanding any other provisions of the Revised Code or rules 28828  
adopted pursuant thereto by any agency of the state with respect 28829  
to investments by them, and are also acceptable as security for 28830  
the deposit of public moneys. 28831

(O) Unless otherwise provided in any applicable bond 28832  
proceedings, moneys to the credit of or in the special funds 28833  
established by or pursuant to this section may be invested by or 28834

on behalf of the issuing authority only in notes, bonds, or other 28835  
obligations of the United States, or of any agency or 28836  
instrumentality of the United States, obligations guaranteed as to 28837  
principal and interest by the United States, obligations of this 28838  
state or any political subdivision of this state, and certificates 28839  
of deposit of any national bank located in this state and any 28840  
bank, as defined in section 1101.01 of the Revised Code, subject 28841  
to inspection by the superintendent of financial institutions. If 28842  
the law or the instrument creating a trust pursuant to division 28843  
(J) of this section expressly permits investment in direct 28844  
obligations of the United States or an agency of the United 28845  
States, unless expressly prohibited by the instrument, such moneys 28846  
also may be invested in no-front-end-load money market mutual 28847  
funds consisting exclusively of obligations of the United States 28848  
or an agency of the United States and in repurchase agreements, 28849  
including those issued by the fiduciary itself, secured by 28850  
obligations of the United States or an agency of the United 28851  
States; and in collective investment funds as defined in division 28852  
(A) of section 1111.01 of the Revised Code and consisting 28853  
exclusively of any such securities. The income from such 28854  
investments shall be credited to such funds as the issuing 28855  
authority determines, and such investments may be sold at such 28856  
times as the issuing authority determines or authorizes. 28857

(P) Provision may be made in the applicable bond proceedings 28858  
for the establishment of separate accounts in the bond service 28859  
fund and for the application of such accounts only to the 28860  
specified bond service charges on obligations pertinent to such 28861  
accounts and bond service fund and for other accounts therein 28862  
within the general purposes of such fund. Unless otherwise 28863  
provided in any applicable bond proceedings, moneys to the credit 28864  
of or in the several special funds established pursuant to this 28865  
section shall be disbursed on the order of the treasurer of state, 28866  
provided that no such order is required for the payment from the 28867

bond service fund when due of bond service charges on obligations. 28868

(Q)(1) The issuing authority may pledge all, or such portion 28869  
as the issuing authority determines, of the pledged receipts to 28870  
the payment of bond service charges on obligations issued under 28871  
this section, and for the establishment and maintenance of any 28872  
reserves, as provided in the bond proceedings, and make other 28873  
provisions therein with respect to pledged receipts as authorized 28874  
by this chapter, which provisions are controlling notwithstanding 28875  
any other provisions of law pertaining thereto. 28876

(2) An action taken under division (Q)(2) of this section 28877  
does not limit the generality of division (Q)(1) of this section, 28878  
and is subject to division (C) of this section and, if and to the 28879  
extent otherwise applicable, Section 13 of Article VIII, Ohio 28880  
Constitution. The bond proceedings may contain a covenant that, in 28881  
the event the pledged receipts primarily pledged and required to 28882  
be used for the payment of bond service charges on obligations 28883  
issued under this section, and for the establishment and 28884  
maintenance of any reserves, as provided in the bond proceedings, 28885  
are insufficient to make any such payment in full when due, or to 28886  
maintain any such reserve, the director of transportation shall so 28887  
notify the governor, and shall determine to what extent, if any, 28888  
the payment may be made or moneys may be restored to the reserves 28889  
from lawfully available moneys previously appropriated for that 28890  
purpose to the department of transportation. The covenant also may 28891  
provide that if the payments are not made or the moneys are not 28892  
immediately and fully restored to the reserves from such moneys, 28893  
the director shall promptly submit to the governor and to the 28894  
director of budget and management a written request for either or 28895  
both of the following: 28896

(a) That the next biennial budget submitted by the governor 28897  
to the general assembly include an amount to be appropriated from 28898  
lawfully available moneys to the department for the purpose of and 28899

sufficient for the payment in full of bond service charges 28900  
previously due and for the full replenishment of the reserves; 28901

(b) That the general assembly be requested to increase 28902  
appropriations from lawfully available moneys for the department 28903  
in the current biennium sufficient for the purpose of and for the 28904  
payment in full of bond service charges previously due and to come 28905  
due in the biennium and for the full replenishment of the 28906  
reserves. 28907

The director of transportation shall include with such 28908  
requests a recommendation that the payment of the bond service 28909  
charges and the replenishment of the reserves be made in the 28910  
interest of maximizing the benefits of the state infrastructure 28911  
bank. Any such covenant shall not obligate or purport to obligate 28912  
the state to pay the bond service charges on such bonds or notes 28913  
or to deposit moneys in a reserve established for such payments 28914  
other than from moneys that may be lawfully available and 28915  
appropriated for that purpose during the then-current biennium. 28916

(R) There is hereby created the state infrastructure bank 28917  
revenue bond service fund, which shall be in the custody of the 28918  
treasurer of state but shall not be a part of the state treasury. 28919  
All moneys received by or on account of the issuing authority or 28920  
state agencies and required by the applicable bond proceedings, 28921  
consistent with this section, to be deposited, transferred, or 28922  
credited to the bond service fund, and all other moneys 28923  
transferred or allocated to or received for the purposes of the 28924  
fund, shall be deposited and credited to such fund and to any 28925  
separate accounts therein, subject to applicable provisions of the 28926  
bond proceedings, but without necessity for any act of 28927  
appropriation. The state infrastructure bank revenue bond service 28928  
fund is a trust fund and is hereby pledged to the payment of bond 28929  
service charges to the extent provided in the applicable bond 28930  
proceedings, and payment thereof from such fund shall be made or 28931



provided for by the treasurer of state in accordance with such 28932  
bond proceedings without necessity for any act of appropriation. 28933

(S) The obligations issued pursuant to this section, the 28934  
transfer thereof, and the income therefrom, including any profit 28935  
made on the sale thereof, shall at all times be free from taxation 28936  
within this state. 28937

**Sec. 5703.052.** (A) There is hereby created in the state 28938  
treasury the tax refund fund, from which refunds shall be paid for 28939  
taxes illegally or erroneously assessed or collected, or for any 28940  
other reason overpaid, that are levied by Chapter 4301., 4305., 28941  
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 28942  
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 28943  
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 28944  
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 28945  
wireless 9-1-1 charges illegally or erroneously assessed or 28946  
collected, or for any other reason overpaid, that are levied by 28947  
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also 28948  
shall be paid from the fund. Refunds for amounts illegally or 28949  
erroneously assessed or collected by the tax commissioner, or for 28950  
any other reason overpaid, that are due under section 1509.50 of 28951  
the Revised Code shall be paid from the fund. However, refunds for 28952  
taxes levied under section 5739.101 of the Revised Code shall not 28953  
be paid from the tax refund fund, but shall be paid as provided in 28954  
section 5739.104 of the Revised Code. 28955

(B)(1) Upon certification by the tax commissioner to the 28956  
treasurer of state of a tax refund, a wireless 9-1-1 charge 28957  
refund, or another amount refunded, or by the superintendent of 28958  
insurance of a domestic or foreign insurance tax refund, the 28959  
treasurer of state shall place the amount certified to the credit 28960  
of the fund. The certified amount transferred shall be derived 28961  
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 28962

other amount from which the refund arose. 28963

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 28964  
or other amount that is not levied by the state or that was 28965  
illegally or erroneously distributed to a taxing jurisdiction, the 28966  
tax commissioner shall recover the amount of that refund from the 28967  
next distribution of that tax, fee, wireless 9-1-1 charge, or 28968  
other amount that otherwise would be made to the taxing 28969  
jurisdiction. If the amount to be recovered would exceed 28970  
twenty-five per cent of the next distribution of that tax, fee, 28971  
wireless 9-1-1 charge, or other amount, the commissioner may 28972  
spread the recovery over more than one future distribution, taking 28973  
into account the amount to be recovered and the amount of the 28974  
anticipated future distributions. In no event may the commissioner 28975  
spread the recovery over a period to exceed ~~twenty-four~~ thirty-six 28976  
months. 28977

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 28978  
of this section, no agent of the department of taxation, except in 28979  
the agent's report to the department or when called on to testify 28980  
in any court or proceeding, shall divulge any information acquired 28981  
by the agent as to the transactions, property, or business of any 28982  
person while acting or claiming to act under orders of the 28983  
department. Whoever violates this provision shall thereafter be 28984  
disqualified from acting as an officer or employee or in any other 28985  
capacity under appointment or employment of the department. 28986  
28987

(B)(1) For purposes of an audit pursuant to section 117.15 of 28988  
the Revised Code, or an audit of the department pursuant to 28989  
Chapter 117. of the Revised Code, or an audit, pursuant to that 28990  
chapter, the objective of which is to express an opinion on a 28991  
financial report or statement prepared or issued pursuant to 28992  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 28993

officers and employees of the auditor of state charged with 28994  
conducting the audit shall have access to and the right to examine 28995  
any state tax returns and state tax return information in the 28996  
possession of the department to the extent that the access and 28997  
examination are necessary for purposes of the audit. Any 28998  
information acquired as the result of that access and examination 28999  
shall not be divulged for any purpose other than as required for 29000  
the audit or unless the officers and employees are required to 29001  
testify in a court or proceeding under compulsion of legal 29002  
process. Whoever violates this provision shall thereafter be 29003  
disqualified from acting as an officer or employee or in any other 29004  
capacity under appointment or employment of the auditor of state. 29005

(2) For purposes of an internal audit pursuant to section 29006  
126.45 of the Revised Code, the officers and employees of the 29007  
office of internal audit in the office of budget and management 29008  
charged with directing the internal audit shall have access to and 29009  
the right to examine any state tax returns and state tax return 29010  
information in the possession of the department to the extent that 29011  
the access and examination are necessary for purposes of the 29012  
internal audit. Any information acquired as the result of that 29013  
access and examination shall not be divulged for any purpose other 29014  
than as required for the internal audit or unless the officers and 29015  
employees are required to testify in a court or proceeding under 29016  
compulsion of legal process. Whoever violates this provision shall 29017  
thereafter be disqualified from acting as an officer or employee 29018  
or in any other capacity under appointment or employment of the 29019  
office of internal audit. 29020

(3) As provided by section 6103(d)(2) of the Internal Revenue 29021  
Code, any federal tax returns or federal tax information that the 29022  
department has acquired from the internal revenue service, through 29023  
federal and state statutory authority, may be disclosed to the 29024  
auditor of state or the office of internal audit solely for 29025

purposes of an audit of the department. 29026

(4) For purposes of Chapter 3739. of the Revised Code, an 29027  
agent of the department of taxation may share information with the 29028  
division of state fire marshal that the agent finds during the 29029  
course of an investigation. 29030

(C) Division (A) of this section does not prohibit any of the 29031  
following: 29032

(1) Divulging information contained in applications, 29033  
complaints, and related documents filed with the department under 29034  
section 5715.27 of the Revised Code or in applications filed with 29035  
the department under section 5715.39 of the Revised Code; 29036

(2) Providing information to the office of child support 29037  
within the department of job and family services pursuant to 29038  
section 3125.43 of the Revised Code; 29039

(3) Disclosing to the motor vehicle repair board any 29040  
information in the possession of the department that is necessary 29041  
for the board to verify the existence of an applicant's valid 29042  
vendor's license and current state tax identification number under 29043  
section 4775.07 of the Revised Code; 29044

(4) Providing information to the administrator of workers' 29045  
compensation pursuant to sections 4123.271 and 4123.591 of the 29046  
Revised Code; 29047

(5) Providing to the attorney general information the 29048  
department obtains under division (J) of section 1346.01 of the 29049  
Revised Code; 29050

(6) Permitting properly authorized officers, employees, or 29051  
agents of a municipal corporation from inspecting reports or 29052  
information pursuant to rules adopted under section 5745.16 of the 29053  
Revised Code; 29054

(7) Providing information regarding the name, account number, 29055

or business address of a holder of a vendor's license issued 29056  
pursuant to section 5739.17 of the Revised Code, a holder of a 29057  
direct payment permit issued pursuant to section 5739.031 of the 29058  
Revised Code, or a seller having a use tax account maintained 29059  
pursuant to section 5741.17 of the Revised Code, or information 29060  
regarding the active or inactive status of a vendor's license, 29061  
direct payment permit, or seller's use tax account; 29062

(8) Releasing invoices or invoice information furnished under 29063  
section 4301.433 of the Revised Code pursuant to that section; 29064

(9) Providing to a county auditor notices or documents 29065  
concerning or affecting the taxable value of property in the 29066  
county auditor's county. Unless authorized by law to disclose 29067  
documents so provided, the county auditor shall not disclose such 29068  
documents; 29069

(10) Providing to a county auditor sales or use tax return or 29070  
audit information under section 333.06 of the Revised Code; 29071

(11) Subject to section 4301.441 of the Revised Code, 29072  
disclosing to the appropriate state agency information in the 29073  
possession of the department of taxation that is necessary to 29074  
verify a permit holder's gallonage or noncompliance with taxes 29075  
levied under Chapter 4301. or 4305. of the Revised Code; 29076

(12) Disclosing to the department of natural resources 29077  
information in the possession of the department of taxation that 29078  
is necessary for the department of taxation to verify the 29079  
taxpayer's compliance with section 5749.02 of the Revised Code or 29080  
to allow the department of natural resources to enforce Chapter 29081  
1509. of the Revised Code; 29082

(13) Disclosing to the department of job and family services, 29083  
industrial commission, and bureau of workers' compensation 29084  
information in the possession of the department of taxation solely 29085  
for the purpose of identifying employers that misclassify 29086

employees as independent contractors or that fail to properly 29087  
report and pay employer tax liabilities. The department of 29088  
taxation shall disclose only such information that is necessary to 29089  
verify employer compliance with law administered by those 29090  
agencies. 29091

(14) Disclosing to the Ohio casino control commission 29092  
information in the possession of the department of taxation that 29093  
is necessary to verify a casino operator's compliance with section 29094  
5747.063 or 5753.02 of the Revised Code and sections related 29095  
thereto; 29096

(15) Disclosing to the state lottery commission information 29097  
in the possession of the department of taxation that is necessary 29098  
to verify a lottery sales agent's compliance with section 5747.064 29099  
of the Revised Code; 29100

(16) Providing to a board of county commissioners any sales 29101  
or use tax return or audit information necessary to verify 29102  
vendors' compliance with any taxes levied by the county under 29103  
Chapter 5739. or 5741. of the Revised Code. 29104

**Sec. 5705.10.** (A) All revenue derived from the general levy 29105  
for current expense within the ten-mill limitation, from any 29106  
general levy for current expense authorized by vote in excess of 29107  
the ten-mill limitation, and from sources other than the general 29108  
property tax, unless its use for a particular purpose is 29109  
prescribed by law, shall be paid into the general fund. 29110

(B) All revenue derived from general or special levies for 29111  
debt charges, whether within or in excess of the ten-mill 29112  
limitation, which is levied for the debt charges on serial bonds, 29113  
notes, or certificates of indebtedness having a life less than 29114  
five years, shall be paid into the bond retirement fund; and all 29115  
such revenue which is levied for the debt charges on all other 29116  
bonds, notes, or certificates of indebtedness shall be paid into 29117

the sinking fund. 29118

(C) All revenue derived from a special levy shall be credited 29119  
to a special fund for the purpose for which the levy was made. 29120

(D) Except as otherwise provided by resolution adopted 29121  
pursuant to section 3315.01 of the Revised Code, all revenue 29122  
derived from a source other than the general property tax and 29123  
which the law prescribes shall be used for a particular purpose, 29124  
shall be paid into a special fund for such purpose. Except as 29125  
otherwise provided by resolution adopted pursuant to section 29126  
3315.01 of the Revised Code or as otherwise provided by section 29127  
3315.40 of the Revised Code, all revenue derived from a source 29128  
other than the general property tax, for which the law does not 29129  
prescribe use for a particular purpose, including interest earned 29130  
on the principal of any special fund, regardless of the source or 29131  
purpose of the principal, shall be paid into the general fund. 29132

(E) All proceeds from the sale of public obligations or 29133  
fractionalized interests in public obligations as defined in 29134  
section 133.01 of the Revised Code, except premium and accrued 29135  
interest, shall be paid into a special fund for the purpose of 29136  
such issue, and any interest and other income earned on money in 29137  
such special fund may be used for the purposes for which the 29138  
indebtedness was authorized or may be credited to the general fund 29139  
or other fund or account as the taxing authority authorizes and 29140  
used for the purposes of that fund or account. The premium and 29141  
accrued interest received from such sale shall be paid into the 29142  
sinking fund or the bond retirement fund of the subdivision. 29143

(F) Except as provided in divisions (G) and (H) of this 29144  
section, if a permanent improvement of the subdivision is sold, 29145  
the amount received from the sale shall be paid into the sinking 29146  
fund, the bond retirement fund, or a special fund for the 29147  
construction or acquisition of permanent improvements; provided 29148  
that the proceeds from the sale of a public utility shall be paid 29149

into the sinking fund or bond retirement fund to the extent 29150  
necessary to provide for the retirement of the outstanding 29151  
indebtedness incurred in the construction or acquisition of such 29152  
utility. Proceeds from the sale of property other than a permanent 29153  
improvement shall be paid into the fund from which such property 29154  
was acquired or is maintained or, if there is no such fund, into 29155  
the general fund. 29156

(G) A township that has a population greater than fifteen 29157  
thousand according to the most recent federal decennial census and 29158  
that has declared one or more improvements in the township to be a 29159  
public purpose under section 5709.73 of the Revised Code may pay 29160  
proceeds from the sale of a permanent improvement of the township 29161  
into its general fund if both of the following conditions are 29162  
satisfied: 29163

(1) The township fiscal officer determines that all 29164  
foreseeable public infrastructure improvements, as defined in 29165  
section 5709.40 of the Revised Code, to be made in the township in 29166  
the ten years immediately following the date the permanent 29167  
improvement is sold will have been financed through resolutions 29168  
adopted under section 5709.73 of the Revised Code on or before the 29169  
date of the sale. The fiscal officer shall provide written 29170  
certification of this determination for the township's records. 29171

(2) The permanent improvement being sold was financed 29172  
entirely from moneys in the township's general fund. 29173

(H) If a board of education of a school district disposes of 29174  
real property under section 3313.41 of the Revised Code, the 29175  
proceeds received on or after September 29, 2013, from the sale 29176  
shall be used to retire for either of the following purposes: 29177

(1) The retirement of any debt that was incurred by the 29178  
district with respect to that real property. Proceeds in excess of 29179  
the funds necessary to retire that debt may be paid into the 29180



school district's capital and maintenance fund and used only to 29181  
pay for the costs of nonoperating capital expenses related to 29182  
technology infrastructure and equipment to be used for instruction 29183  
and assessment. 29184

(2) Payment into a special fund for the construction or 29185  
acquisition of permanent improvements. 29186

(I) Money paid into any fund shall be used only for the 29187  
purposes for which such fund is established. 29188

**Sec. 5709.12.** (A) As used in this section, "independent 29189  
living facilities" means any residential housing facilities and 29190  
related property that are not a nursing home, residential care 29191  
facility, or residential facility as defined in division (A) of 29192  
section 5701.13 of the Revised Code. 29193

(B) Lands, houses, and other buildings belonging to a county, 29194  
township, or municipal corporation and used exclusively for the 29195  
accommodation or support of the poor, or leased to the state or 29196  
any political subdivision for public purposes shall be exempt from 29197  
taxation. Real and tangible personal property belonging to 29198  
institutions that is used exclusively for charitable purposes 29199  
shall be exempt from taxation, including real property belonging 29200  
to an institution that is a nonprofit corporation that receives a 29201  
grant under the Thomas Alva Edison grant program authorized by 29202  
division (C) of section 122.33 of the Revised Code at any time 29203  
during the tax year and being held for leasing or resale to 29204  
others. If, at any time during a tax year for which such property 29205  
is exempted from taxation, the corporation ceases to qualify for 29206  
such a grant, the director of development shall notify the tax 29207  
commissioner, and the tax commissioner shall cause the property to 29208  
be restored to the tax list beginning with the following tax year. 29209  
All property owned and used by a nonprofit organization 29210  
exclusively for a home for the aged, as defined in section 5701.13 29211

of the Revised Code, also shall be exempt from taxation. 29212

(C)(1) If a home for the aged described in division (B)(1) of 29213  
section 5701.13 of the Revised Code is operated in conjunction 29214  
with or at the same site as independent living facilities, the 29215  
exemption granted in division (B) of this section shall include 29216  
kitchen, dining room, clinic, entry ways, maintenance and storage 29217  
areas, and land necessary for access commonly used by both 29218  
residents of the home for the aged and residents of the 29219  
independent living facilities. Other facilities commonly used by 29220  
both residents of the home for the aged and residents of 29221  
independent living units shall be exempt from taxation only if the 29222  
other facilities are used primarily by the residents of the home 29223  
for the aged. Vacant land currently unused by the home, and 29224  
independent living facilities and the lands connected with them 29225  
are not exempt from taxation. Except as provided in division 29226  
(A)(1) of section 5709.121 of the Revised Code, property of a home 29227  
leased for nonresidential purposes is not exempt from taxation. 29228

(2) Independent living facilities are exempt from taxation if 29229  
they are operated in conjunction with or at the same site as a 29230  
home for the aged described in division (B)(2) of section 5701.13 29231  
of the Revised Code; operated by a corporation, association, or 29232  
trust described in division (B)(1)(b) of that section; operated 29233  
exclusively for the benefit of members of the corporation, 29234  
association, or trust who are retired, aged, or infirm; and 29235  
provided to those members without charge in consideration of their 29236  
service, without compensation, to a charitable, religious, 29237  
fraternal, or educational institution. For the purposes of 29238  
division (C)(2) of this section, "compensation" does not include 29239  
furnishing room and board, clothing, health care, or other 29240  
necessities, or stipends or other de minimis payments to defray 29241  
the cost thereof. 29242

(D)(1) A private corporation established under federal law, 29243

as defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, 29244  
as amended, the objects of which include encouraging the 29245  
advancement of science generally, or of a particular branch of 29246  
science, the promotion of scientific research, the improvement of 29247  
the qualifications and usefulness of scientists, or the increase 29248  
and diffusion of scientific knowledge is conclusively presumed to 29249  
be a charitable or educational institution. A private corporation 29250  
established as a nonprofit corporation under the laws of a state, 29251  
that is exempt from federal income taxation under section 29252  
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 29253  
U.S.C.A. 1, as amended, and has as its principal purpose one or 29254  
more of the foregoing objects, also is conclusively presumed to be 29255  
a charitable or educational institution. 29256

The fact that an organization described in this division 29257  
operates in a manner that results in an excess of revenues over 29258  
expenses shall not be used to deny the exemption granted by this 29259  
section, provided such excess is used, or is held for use, for 29260  
exempt purposes or to establish a reserve against future 29261  
contingencies; and, provided further, that such excess may not be 29262  
distributed to individual persons or to entities that would not be 29263  
entitled to the tax exemptions provided by this chapter. Nor shall 29264  
the fact that any scientific information diffused by the 29265  
organization is of particular interest or benefit to any of its 29266  
individual members be used to deny the exemption granted by this 29267  
section, provided that such scientific information is available to 29268  
the public for purchase or otherwise. 29269

(2) Division (D)(2) of this section does not apply to real 29270  
property exempted from taxation under this section and division 29271  
(A)(3) of section 5709.121 of the Revised Code and belonging to a 29272  
nonprofit corporation described in division (D)(1) of this section 29273  
that has received a grant under the Thomas Alva Edison grant 29274  
program authorized by division (C) of section 122.33 of the 29275

Revised Code during any of the tax years the property was exempted 29276  
from taxation. 29277

When a private corporation described in division (D)(1) of 29278  
this section sells all or any portion of a tract, lot, or parcel 29279  
of real estate that has been exempt from taxation under this 29280  
section and section 5709.121 of the Revised Code, the portion sold 29281  
shall be restored to the tax list for the year following the year 29282  
of the sale and, except in connection with a sale and transfer of 29283  
such a tract, lot, or parcel to a county land reutilization 29284  
corporation organized under Chapter 1724. of the Revised Code, a 29285  
charge shall be levied against the sold property in an amount 29286  
equal to the tax savings on such property during the four tax 29287  
years preceding the year the property is placed on the tax list. 29288  
The tax savings equals the amount of the additional taxes that 29289  
would have been levied if such property had not been exempt from 29290  
taxation. 29291

The charge constitutes a lien of the state upon such property 29292  
as of the first day of January of the tax year in which the charge 29293  
is levied and continues until discharged as provided by law. The 29294  
charge may also be remitted for all or any portion of such 29295  
property that the tax commissioner determines is entitled to 29296  
exemption from real property taxation for the year such property 29297  
is restored to the tax list under any provision of the Revised 29298  
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 29299  
5709.41, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 5709.84, 29300  
upon an application for exemption covering the year such property 29301  
is restored to the tax list filed under section 5715.27 of the 29302  
Revised Code. 29303

(E) Real property held by an organization organized and 29304  
operated exclusively for charitable purposes as described under 29305  
section 501(c)(3) of the Internal Revenue Code and exempt from 29306  
federal taxation under section 501(a) of the Internal Revenue 29307

Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 29308  
of constructing or rehabilitating residences for eventual transfer 29309  
to qualified low-income families through sale, lease, or land 29310  
installment contract, shall be exempt from taxation. 29311

The exemption shall commence on the day title to the property 29312  
is transferred to the organization and shall continue to the end 29313  
of the tax year in which the organization transfers title to the 29314  
property to a qualified low-income family. In no case shall the 29315  
exemption extend beyond the second succeeding tax year following 29316  
the year in which the title was transferred to the organization. 29317  
If the title is transferred to the organization and from the 29318  
organization to a qualified low-income family in the same tax 29319  
year, the exemption shall continue to the end of that tax year. 29320  
The proportionate amount of taxes that are a lien but not yet 29321  
determined, assessed, and levied for the tax year in which title 29322  
is transferred to the organization shall be remitted by the county 29323  
auditor for each day of the year that title is held by the 29324  
organization. 29325

Upon transferring the title to another person, the 29326  
organization shall file with the county auditor an affidavit 29327  
affirming that the title was transferred to a qualified low-income 29328  
family or that the title was not transferred to a qualified 29329  
low-income family, as the case may be; if the title was 29330  
transferred to a qualified low-income family, the affidavit shall 29331  
identify the transferee by name. If the organization transfers 29332  
title to the property to anyone other than a qualified low-income 29333  
family, the exemption, if it has not previously expired, shall 29334  
terminate, and the property shall be restored to the tax list for 29335  
the year following the year of the transfer and a charge shall be 29336  
levied against the property in an amount equal to the amount of 29337  
additional taxes that would have been levied if such property had 29338  
not been exempt from taxation. The charge constitutes a lien of 29339

the state upon such property as of the first day of January of the 29340  
tax year in which the charge is levied and continues until 29341  
discharged as provided by law. 29342

The application for exemption shall be filed as otherwise 29343  
required under section 5715.27 of the Revised Code, except that 29344  
the organization holding the property shall file with its 29345  
application documentation substantiating its status as an 29346  
organization organized and operated exclusively for charitable 29347  
purposes under section 501(c)(3) of the Internal Revenue Code and 29348  
its qualification for exemption from federal taxation under 29349  
section 501(a) of the Internal Revenue Code, and affirming its 29350  
intention to construct or rehabilitate the property for the 29351  
eventual transfer to qualified low-income families. 29352

As used in this division, "qualified low-income family" means 29353  
a family whose income does not exceed two hundred per cent of the 29354  
official federal poverty guidelines as revised annually in 29355  
accordance with section 673(2) of the "Omnibus Budget 29356  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 29357  
amended, for a family size equal to the size of the family whose 29358  
income is being determined. 29359

(F) Real property held by a county land reutilization 29360  
corporation organized under Chapter 1724. of the Revised Code 29361  
shall be exempt from taxation. Notwithstanding section 5715.27 of 29362  
the Revised Code, a county land reutilization corporation is not 29363  
required to apply to any county or state agency in order to 29364  
qualify for the exemption. 29365

The exemption shall commence on the day title to the property 29366  
is transferred to the corporation and shall continue to the end of 29367  
the tax year in which the instrument transferring title from the 29368  
corporation to another owner is recorded, if the use to which the 29369  
other owner puts the property does not qualify for an exemption 29370  
under this section or any other section of the Revised Code. If 29371

the title to the property is transferred to the corporation and 29372  
from the corporation in the same tax year, the exemption shall 29373  
continue to the end of that tax year. The proportionate amount of 29374  
taxes that are a lien but not yet determined, assessed, and levied 29375  
for the tax year in which title is transferred to the corporation 29376  
shall be remitted by the county auditor for each day of the year 29377  
that title is held by the corporation. 29378

Upon transferring the title to another person, the 29379  
corporation shall file with the county auditor an affidavit 29380  
affirming that the title was transferred to such other person and 29381  
shall identify the transferee by name. If the corporation 29382  
transfers title to the property to anyone that does not qualify or 29383  
the use to which the property is put does not qualify the property 29384  
for an exemption under this section or any other section of the 29385  
Revised Code, the exemption, if it has not previously expired, 29386  
shall terminate, and the property shall be restored to the tax 29387  
list for the year following the year of the transfer. A charge 29388  
shall be levied against the property in an amount equal to the 29389  
amount of additional taxes that would have been levied if such 29390  
property had not been exempt from taxation. The charge constitutes 29391  
a lien of the state upon such property as of the first day of 29392  
January of the tax year in which the charge is levied and 29393  
continues until discharged as provided by law. 29394

In lieu of the application for exemption otherwise required 29395  
to be filed as required under section 5715.27 of the Revised Code, 29396  
a count land reutilization corporation holding the property shall, 29397  
upon the request of any county or state agency, submit its 29398  
articles of incorporation substantiating its status as a county 29399  
land reutilization corporation. 29400

(G) Property that is owned by an organization described under 29401  
section 501(c)(3) of the Internal Revenue Code and exempt from 29402  
federal income taxation under section 501(a) of the Internal 29403

Revenue Code and that is used exclusively for receiving, 29404  
processing, or distributing human blood, tissues, eyes, or organs 29405  
or for research and development thereof shall be exempt from 29406  
taxation. 29407

**Sec. 5709.121.** (A) Real property and tangible personal 29408  
property belonging to a charitable or educational institution or 29409  
to the state or a political subdivision, shall be considered as 29410  
used exclusively for charitable or public purposes by such 29411  
institution, the state, or political subdivision, if it meets one 29412  
of the following requirements: 29413

(1) It is used by such institution, the state, or political 29414  
subdivision, or by one or more other such institutions, the state, 29415  
or political subdivisions under a lease, sublease, or other 29416  
contractual arrangement: 29417

(a) As a community or area center in which presentations in 29418  
music, dramatics, the arts, and related fields are made in order 29419  
to foster public interest and education therein; 29420

(b) For other charitable, educational, or public purposes. 29421

(2) It is made available under the direction or control of 29422  
such institution, the state, or political subdivision for use in 29423  
furtherance of or incidental to its charitable, educational, or 29424  
public purposes and not with the view to profit. 29425

(3) It is used by an organization described in division (D) 29426  
of section 5709.12 of the Revised Code. If the organization is a 29427  
corporation that receives a grant under the Thomas Alva Edison 29428  
grant program authorized by division (C) of section 122.33 of the 29429  
Revised Code at any time during the tax year, "used," for the 29430  
purposes of this division, includes holding property for lease or 29431  
resale to others. 29432

(B)(1) Property described in division (A)(1)(a) of this 29433



section shall continue to be considered as used exclusively for 29434  
charitable or public purposes even if the property is conveyed 29435  
through one conveyance or a series of conveyances to an entity 29436  
that is not a charitable or educational institution and is not the 29437  
state or a political subdivision, provided that all of the 29438  
following conditions apply with respect to that property: 29439

(a) The property has been listed as exempt on the county 29440  
auditor's tax list and duplicate for the county in which it is 29441  
located for the ten tax years immediately preceding the year in 29442  
which the property is conveyed through one conveyance or a series 29443  
of conveyances; 29444

(b) The property is conveyed through one conveyance or a 29445  
series of conveyances to an owner that does any of the following: 29446

(i) Leases the property through one lease or a series of 29447  
leases to the entity that owned or occupied the property for the 29448  
ten tax years immediately preceding the year in which the property 29449  
is conveyed or to an affiliate of that entity; 29450

(ii) Contracts to have renovations performed as described in 29451  
division (B)(1)(d) of this section and is at least partially owned 29452  
by a nonprofit organization described in section 501(c)(3) of the 29453  
Internal Revenue Code that is exempt from taxation under section 29454  
501(a) of that code. 29455

(c) The property includes improvements that are at least 29456  
fifty years old; 29457

(d) The property is being renovated in connection with a 29458  
claim for historic preservation tax credits available under 29459  
federal law; 29460

(e) The property continues to be used for the purposes 29461  
described in division (A)(1)(a) of this section after its 29462  
conveyance; and 29463

(f) The property is certified by the United States secretary of the interior as a "certified historic structure" or certified as part of a certified historic structure.

(2) Notwithstanding section 5715.27 of the Revised Code, an application for exemption from taxation of property described in division (B)(1) of this section may be filed by either the owner of the property or its occupant.

(C)(1) Real property, the owner or qualified lessee of which is a qualifying limited liability company, shall be considered as used exclusively for charitable or public purposes, provided all of the following apply:

(a) A building on that property is a certified historic structure or part of a certified historic structure;

(b) Not more than thirteen months have passed after the later of (i) the date a rehabilitation tax credit certificate is issued to the qualifying limited liability company under section 149.311 of the Revised Code on the basis of that property or (ii) the last date of the recapture period under section 50 of the Internal Revenue Code for a credit claimed by the qualifying limited liability company under section 47 of the Internal Revenue Code on the basis of that property;

(c) The property is used for one or more of the purposes described in division (A) of this section by the state or one or more charitable or educational institutions or political subdivisions pursuant to a lease, sublease, or other contractual arrangement with the qualifying limited liability company.

(2) As used in division (C) of this section:

(a) "Certified historic structure" has the same meaning as in section 47 of the Internal Revenue Code.

(b) "Qualified lessee" has the same meaning as in section

<u>149.311 of the Revised Code.</u>	29494
<u>(c) "Qualifying limited liability company" means a limited liability company formed under the laws of this state and having a single managing member that is a charitable or educational institution, provided the limited liability company's articles of organization states both of the following:</u>	29495
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	29497
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	29499
<u>(i) That the sole purpose of the limited liability company is to rehabilitate the property of which it is the owner or qualified lessee using revenue from the tax credit authorized under section 47 of the Internal Revenue Code or section 149.311 of the Revised Code;</u>	29500
	29501
	29502
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	29504
<u>(ii) That the limited liability company's single managing member shall diligently pursue the rehabilitation of the property using revenue from one or both of those tax credits.</u>	29505
	29506
	29507
<u>(D) For purposes of this section, an institution that meets all of the following requirements is conclusively presumed to be a charitable institution:</u>	29508
	29509
	29510
<u>(1) The institution is a nonprofit corporation or association, no part of the net earnings of which inures to the benefit of any private shareholder or individual;</u>	29511
	29512
	29513
<u>(2) The institution is exempt from federal income taxation under section 501(a) of the Internal Revenue Code;</u>	29514
	29515
<u>(3) The majority of the institution's board of directors are appointed by the mayor or legislative authority of a municipal corporation or a board of county commissioners, or a combination thereof;</u>	29516
	29517
	29518
	29519
<u>(4) The primary purpose of the institution is to assist in the development and revitalization of downtown urban areas.</u>	29520
	29521
<b>Sec. 5709.40. (A) As used in this section:</b>	29522

- (1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code. 29523  
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- (2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code. 29525  
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- (3) "Housing renovation" means a project carried out for residential purposes. 29528  
29529
- (4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance. 29530  
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- (5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics: 29535  
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29538
- (a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 29539  
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- (b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period. 29545  
29546  
29547  
29548
- (c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C. 5301, as amended, and regulations adopted pursuant to that act. 29549  
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29551  
29552

(d) The district is a blighted area.	29553
(e) The district is in a situational distress area as	29554
designated by the director of development <u>services</u> under division	29555
(F) of section 122.23 of the Revised Code.	29556
(f) As certified by the engineer for the political	29557
subdivision, the public infrastructure serving the district is	29558
inadequate to meet the development needs of the district as	29559
evidenced by a written economic development plan or urban renewal	29560
plan for the district that has been adopted by the legislative	29561
authority of the subdivision.	29562
(g) The district is comprised entirely of unimproved land	29563
that is located in a distressed area as defined in section 122.23	29564
of the Revised Code.	29565
(6) "Project" means development activities undertaken on one	29566
or more parcels, including, but not limited to, construction,	29567
expansion, and alteration of buildings or structures, demolition,	29568
remediation, and site development, and any building or structure	29569
that results from those activities.	29570
(7) "Public infrastructure improvement" includes, but is not	29571
limited to, public roads and highways; water and sewer lines;	29572
environmental remediation; land acquisition, including acquisition	29573
in aid of industry, commerce, distribution, or research;	29574
demolition, including demolition on private property when	29575
determined to be necessary for economic development purposes;	29576
stormwater and flood remediation projects, including such projects	29577
on private property when determined to be necessary for public	29578
health, safety, and welfare; the provision of gas, electric, and	29579
communications service facilities, <u>including the provision of gas</u>	29580
<u>or electric service facilities owned by nongovernmental entities</u>	29581
<u>when such improvements are determined to be necessary for economic</u>	29582
<u>development purposes</u> ; and the enhancement of public waterways	29583

through improvements that allow for greater public access. 29584

(B) The legislative authority of a municipal corporation, by 29585  
ordinance, may declare improvements to certain parcels of real 29586  
property located in the municipal corporation to be a public 29587  
purpose. Improvements with respect to a parcel that is used or to 29588  
be used for residential purposes may be declared a public purpose 29589  
under this division only if the parcel is located in a blighted 29590  
area of an impacted city. For this purpose, "parcel that is used 29591  
or to be used for residential purposes" means a parcel that, as 29592  
improved, is used or to be used for purposes that would cause the 29593  
tax commissioner to classify the parcel as residential property in 29594  
accordance with rules adopted by the commissioner under section 29595  
5713.041 of the Revised Code. Except with the approval under 29596  
division (D) of this section of the board of education of each 29597  
city, local, or exempted village school district within which the 29598  
improvements are located, not more than seventy-five per cent of 29599  
an improvement thus declared to be a public purpose may be 29600  
exempted from real property taxation for a period of not more than 29601  
ten years. The ordinance shall specify the percentage of the 29602  
improvement to be exempted from taxation and the life of the 29603  
exemption. 29604

An ordinance adopted or amended under this division shall 29605  
designate the specific public infrastructure improvements made, to 29606  
be made, or in the process of being made by the municipal 29607  
corporation that directly benefit, or that once made will directly 29608  
benefit, the parcels for which improvements are declared to be a 29609  
public purpose. The service payments provided for in section 29610  
5709.42 of the Revised Code shall be used to finance the public 29611  
infrastructure improvements designated in the ordinance, for the 29612  
purpose described in division (D)(1) of this section or as 29613  
provided in section 5709.43 of the Revised Code. 29614

(C)(1) The legislative authority of a municipal corporation 29615

may adopt an ordinance creating an incentive district and 29616  
declaring improvements to parcels within the district to be a 29617  
public purpose and, except as provided in division (F) of this 29618  
section, exempt from taxation as provided in this section, but no 29619  
legislative authority of a municipal corporation that has a 29620  
population that exceeds twenty-five thousand, as shown by the most 29621  
recent federal decennial census, shall adopt an ordinance that 29622  
creates an incentive district if the sum of the taxable value of 29623  
real property in the proposed district for the preceding tax year 29624  
and the taxable value of all real property in the municipal 29625  
corporation that would have been taxable in the preceding year 29626  
were it not for the fact that the property was in an existing 29627  
incentive district and therefore exempt from taxation exceeds 29628  
twenty-five per cent of the taxable value of real property in the 29629  
municipal corporation for the preceding tax year. The ordinance 29630  
shall delineate the boundary of the district and specifically 29631  
identify each parcel within the district. A district may not 29632  
include any parcel that is or has been exempted from taxation 29633  
under division (B) of this section or that is or has been within 29634  
another district created under this division. An ordinance may 29635  
create more than one such district, and more than one ordinance 29636  
may be adopted under division (C)(1) of this section. 29637

(2) Not later than thirty days prior to adopting an ordinance 29638  
under division (C)(1) of this section, if the municipal 29639  
corporation intends to apply for exemptions from taxation under 29640  
section 5709.911 of the Revised Code on behalf of owners of real 29641  
property located within the proposed incentive district, the 29642  
legislative authority of a municipal corporation shall conduct a 29643  
public hearing on the proposed ordinance. Not later than thirty 29644  
days prior to the public hearing, the legislative authority shall 29645  
give notice of the public hearing and the proposed ordinance by 29646  
first class mail to every real property owner whose property is 29647  
located within the boundaries of the proposed incentive district 29648

that is the subject of the proposed ordinance. 29649

(3)(a) An ordinance adopted under division (C)(1) of this 29650  
section shall specify the life of the incentive district and the 29651  
percentage of the improvements to be exempted, shall designate the 29652  
public infrastructure improvements made, to be made, or in the 29653  
process of being made, that benefit or serve, or, once made, will 29654  
benefit or serve parcels in the district. The ordinance also shall 29655  
identify one or more specific projects being, or to be, undertaken 29656  
in the district that place additional demand on the public 29657  
infrastructure improvements designated in the ordinance. The 29658  
project identified may, but need not be, the project under 29659  
division (C)(3)(b) of this section that places real property in 29660  
use for commercial or industrial purposes. Except as otherwise 29661  
permitted under that division, the service payments provided for 29662  
in section 5709.42 of the Revised Code shall be used to finance 29663  
the designated public infrastructure improvements, for the purpose 29664  
described in division (D)(1) or (E) of this section, or as 29665  
provided in section 5709.43 of the Revised Code. 29666

An ordinance adopted under division (C)(1) of this section on 29667  
or after March 30, 2006, shall not designate police or fire 29668  
equipment as public infrastructure improvements, and no service 29669  
payment provided for in section 5709.42 of the Revised Code and 29670  
received by the municipal corporation under the ordinance shall be 29671  
used for police or fire equipment. 29672

(b) An ordinance adopted under division (C)(1) of this 29673  
section may authorize the use of service payments provided for in 29674  
section 5709.42 of the Revised Code for the purpose of housing 29675  
renovations within the incentive district, provided that the 29676  
ordinance also designates public infrastructure improvements that 29677  
benefit or serve the district, and that a project within the 29678  
district places real property in use for commercial or industrial 29679  
purposes. Service payments may be used to finance or support 29680



loans, deferred loans, and grants to persons for the purpose of 29681  
housing renovations within the district. The ordinance shall 29682  
designate the parcels within the district that are eligible for 29683  
housing renovation. The ordinance shall state separately the 29684  
amounts or the percentages of the expected aggregate service 29685  
payments that are designated for each public infrastructure 29686  
improvement and for the general purpose of housing renovations. 29687

(4) Except with the approval of the board of education of 29688  
each city, local, or exempted village school district within the 29689  
territory of which the incentive district is or will be located, 29690  
and subject to division (E) of this section, the life of an 29691  
incentive district shall not exceed ten years, and the percentage 29692  
of improvements to be exempted shall not exceed seventy-five per 29693  
cent. With approval of the board of education, the life of a 29694  
district may be not more than thirty years, and the percentage of 29695  
improvements to be exempted may be not more than one hundred per 29696  
cent. The approval of a board of education shall be obtained in 29697  
the manner provided in division (D) of this section. 29698

(D)(1) If the ordinance declaring improvements to a parcel to 29699  
be a public purpose or creating an incentive district specifies 29700  
that payments in lieu of taxes provided for in section 5709.42 of 29701  
the Revised Code shall be paid to the city, local, or exempted 29702  
village, and joint vocational school district in which the parcel 29703  
or incentive district is located in the amount of the taxes that 29704  
would have been payable to the school district if the improvements 29705  
had not been exempted from taxation, the percentage of the 29706  
improvement that may be exempted from taxation may exceed 29707  
seventy-five per cent, and the exemption may be granted for up to 29708  
thirty years, without the approval of the board of education as 29709  
otherwise required under division (D)(2) of this section. 29710

(2) Improvements with respect to a parcel may be exempted 29711  
from taxation under division (B) of this section, and improvements 29712

to parcels within an incentive district may be exempted from 29713  
taxation under division (C) of this section, for up to ten years 29714  
or, with the approval under this paragraph of the board of 29715  
education of the city, local, or exempted village school district 29716  
within which the parcel or district is located, for up to thirty 29717  
years. The percentage of the improvement exempted from taxation 29718  
may, with such approval, exceed seventy-five per cent, but shall 29719  
not exceed one hundred per cent. Not later than forty-five 29720  
business days prior to adopting an ordinance under this section 29721  
declaring improvements to be a public purpose that is subject to 29722  
approval by a board of education under this division, the 29723  
legislative authority shall deliver to the board of education a 29724  
notice stating its intent to adopt an ordinance making that 29725  
declaration. The notice regarding improvements with respect to a 29726  
parcel under division (B) of this section shall identify the 29727  
parcels for which improvements are to be exempted from taxation, 29728  
provide an estimate of the true value in money of the 29729  
improvements, specify the period for which the improvements would 29730  
be exempted from taxation and the percentage of the improvement 29731  
that would be exempted, and indicate the date on which the 29732  
legislative authority intends to adopt the ordinance. The notice 29733  
regarding improvements to parcels within an incentive district 29734  
under division (C) of this section shall delineate the boundaries 29735  
of the district, specifically identify each parcel within the 29736  
district, identify each anticipated improvement in the district, 29737  
provide an estimate of the true value in money of each such 29738  
improvement, specify the life of the district and the percentage 29739  
of improvements that would be exempted, and indicate the date on 29740  
which the legislative authority intends to adopt the ordinance. 29741  
The board of education, by resolution adopted by a majority of the 29742  
board, may approve the exemption for the period or for the 29743  
exemption percentage specified in the notice; may disapprove the 29744  
exemption for the number of years in excess of ten, may disapprove 29745

the exemption for the percentage of the improvement to be exempted 29746  
in excess of seventy-five per cent, or both; or may approve the 29747  
exemption on the condition that the legislative authority and the 29748  
board negotiate an agreement providing for compensation to the 29749  
school district equal in value to a percentage of the amount of 29750  
taxes exempted in the eleventh and subsequent years of the 29751  
exemption period or, in the case of exemption percentages in 29752  
excess of seventy-five per cent, compensation equal in value to a 29753  
percentage of the taxes that would be payable on the portion of 29754  
the improvement in excess of seventy-five per cent were that 29755  
portion to be subject to taxation, or other mutually agreeable 29756  
compensation. If an agreement is negotiated between the 29757  
legislative authority and the board to compensate the school 29758  
district for all or part of the taxes exempted, including 29759  
agreements for payments in lieu of taxes under section 5709.42 of 29760  
the Revised Code, the legislative authority shall compensate the 29761  
joint vocational school district within which the parcel or 29762  
district is located at the same rate and under the same terms 29763  
received by the city, local, or exempted village school district. 29764

(3) The board of education shall certify its resolution to 29765  
the legislative authority not later than fourteen days prior to 29766  
the date the legislative authority intends to adopt the ordinance 29767  
as indicated in the notice. If the board of education and the 29768  
legislative authority negotiate a mutually acceptable compensation 29769  
agreement, the ordinance may declare the improvements a public 29770  
purpose for the number of years specified in the ordinance or, in 29771  
the case of exemption percentages in excess of seventy-five per 29772  
cent, for the exemption percentage specified in the ordinance. In 29773  
either case, if the board and the legislative authority fail to 29774  
negotiate a mutually acceptable compensation agreement, the 29775  
ordinance may declare the improvements a public purpose for not 29776  
more than ten years, and shall not exempt more than seventy-five 29777  
per cent of the improvements from taxation. If the board fails to 29778

certify a resolution to the legislative authority within the time 29779  
prescribed by this division, the legislative authority thereupon 29780  
may adopt the ordinance and may declare the improvements a public 29781  
purpose for up to thirty years, or, in the case of exemption 29782  
percentages proposed in excess of seventy-five per cent, for the 29783  
exemption percentage specified in the ordinance. The legislative 29784  
authority may adopt the ordinance at any time after the board of 29785  
education certifies its resolution approving the exemption to the 29786  
legislative authority, or, if the board approves the exemption on 29787  
the condition that a mutually acceptable compensation agreement be 29788  
negotiated, at any time after the compensation agreement is agreed 29789  
to by the board and the legislative authority. 29790

(4) If a board of education has adopted a resolution waiving 29791  
its right to approve exemptions from taxation under this section 29792  
and the resolution remains in effect, approval of exemptions by 29793  
the board is not required under division (D) of this section. If a 29794  
board of education has adopted a resolution allowing a legislative 29795  
authority to deliver the notice required under division (D) of 29796  
this section fewer than forty-five business days prior to the 29797  
legislative authority's adoption of the ordinance, the legislative 29798  
authority shall deliver the notice to the board not later than the 29799  
number of days prior to such adoption as prescribed by the board 29800  
in its resolution. If a board of education adopts a resolution 29801  
waiving its right to approve agreements or shortening the 29802  
notification period, the board shall certify a copy of the 29803  
resolution to the legislative authority. If the board of education 29804  
rescinds such a resolution, it shall certify notice of the 29805  
rescission to the legislative authority. 29806

(5) If the legislative authority is not required by division 29807  
(D) of this section to notify the board of education of the 29808  
legislative authority's intent to declare improvements to be a 29809  
public purpose, the legislative authority shall comply with the 29810

notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the legislative authority intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the legislative authority. In no case shall the compensation provided to the board exceed the property taxes forgone due to the exemption. If the board of county commissioners objects, and the board and legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance adopted under division (C)(1) of this

section shall provide to the board compensation in the eleventh 29843  
and subsequent years of the exemption period equal in value to not 29844  
more than fifty per cent of the taxes that would be payable to the 29845  
county or, if the board's objection includes an objection to an 29846  
exemption percentage in excess of seventy-five per cent, 29847  
compensation equal in value to not more than fifty per cent of the 29848  
taxes that would be payable to the county, on the portion of the 29849  
improvement in excess of seventy-five per cent, were that portion 29850  
to be subject to taxation. The board of county commissioners shall 29851  
certify its resolution to the legislative authority not later than 29852  
thirty days after receipt of the notice. 29853

(3) If the board of county commissioners does not object or 29854  
fails to certify its resolution objecting to an exemption within 29855  
thirty days after receipt of the notice, the legislative authority 29856  
may adopt the ordinance, and no compensation shall be provided to 29857  
the board of county commissioners. If the board timely certifies 29858  
its resolution objecting to the ordinance, the legislative 29859  
authority may adopt the ordinance at any time after a mutually 29860  
acceptable compensation agreement is agreed to by the board and 29861  
the legislative authority, or, if no compensation agreement is 29862  
negotiated, at any time after the legislative authority agrees in 29863  
the proposed ordinance to provide compensation to the board of 29864  
fifty per cent of the taxes that would be payable to the county in 29865  
the eleventh and subsequent years of the exemption period or on 29866  
the portion of the improvement in excess of seventy-five per cent, 29867  
were that portion to be subject to taxation. 29868

(F) Service payments in lieu of taxes that are attributable 29869  
to any amount by which the effective tax rate of either a renewal 29870  
levy with an increase or a replacement levy exceeds the effective 29871  
tax rate of the levy renewed or replaced, or that are attributable 29872  
to an additional levy, for a levy authorized by the voters for any 29873  
of the following purposes on or after January 1, 2006, and which 29874

are provided pursuant to an ordinance creating an incentive 29875  
district under division (C)(1) of this section that is adopted on 29876  
or after January 1, 2006, shall be distributed to the appropriate 29877  
taxing authority as required under division (C) of section 5709.42 29878  
of the Revised Code in an amount equal to the amount of taxes from 29879  
that additional levy or from the increase in the effective tax 29880  
rate of such renewal or replacement levy that would have been 29881  
payable to that taxing authority from the following levies were it 29882  
not for the exemption authorized under division (C) of this 29883  
section: 29884

(1) A tax levied under division (L) of section 5705.19 or 29885  
section 5705.191 of the Revised Code for community mental 29886  
retardation and developmental disabilities programs and services 29887  
pursuant to Chapter 5126. of the Revised Code; 29888

(2) A tax levied under division (Y) of section 5705.19 of the 29889  
Revised Code for providing or maintaining senior citizens services 29890  
or facilities; 29891

(3) A tax levied under section 5705.22 of the Revised Code 29892  
for county hospitals; 29893

(4) A tax levied by a joint-county district or by a county 29894  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 29895  
for alcohol, drug addiction, and mental health services or 29896  
facilities; 29897

(5) A tax levied under section 5705.23 of the Revised Code 29898  
for library purposes; 29899

(6) A tax levied under section 5705.24 of the Revised Code 29900  
for the support of children services and the placement and care of 29901  
children; 29902

(7) A tax levied under division (Z) of section 5705.19 of the 29903  
Revised Code for the provision and maintenance of zoological park 29904  
services and facilities under section 307.76 of the Revised Code; 29905

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 29906  
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(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 29909  
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 29913  
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(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 29915  
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 29919  
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(G) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the ordinance. With respect to the exemption of improvements to parcels under division (B) of this section, the ordinance may 29921  
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allow for the exemption to commence in different tax years on a 29937  
parcel-by-parcel basis, with a separate exemption term specified 29938  
for each parcel. 29939

Except as otherwise provided in this division, the exemption 29940  
ends on the date specified in the ordinance as the date the 29941  
improvement ceases to be a public purpose or the incentive 29942  
district expires, or ends on the date on which the public 29943  
infrastructure improvements and housing renovations are paid in 29944  
full from the municipal public improvement tax increment 29945  
equivalent fund established under division (A) of section 5709.43 29946  
of the Revised Code, whichever occurs first. The exemption of an 29947  
improvement with respect to a parcel or within an incentive 29948  
district may end on a later date, as specified in the ordinance, 29949  
if the legislative authority and the board of education of the 29950  
city, local, or exempted village school district within which the 29951  
parcel or district is located have entered into a compensation 29952  
agreement under section 5709.82 of the Revised Code with respect 29953  
to the improvement, and the board of education has approved the 29954  
term of the exemption under division (D)(2) of this section, but 29955  
in no case shall the improvement be exempted from taxation for 29956  
more than thirty years. Exemptions shall be claimed and allowed in 29957  
the same manner as in the case of other real property exemptions. 29958  
If an exemption status changes during a year, the procedure for 29959  
the apportionment of the taxes for that year is the same as in the 29960  
case of other changes in tax exemption status during the year. 29961

(H) Additional municipal financing of public infrastructure 29962  
improvements and housing renovations may be provided by any 29963  
methods that the municipal corporation may otherwise use for 29964  
financing such improvements or renovations. If the municipal 29965  
corporation issues bonds or notes to finance the public 29966  
infrastructure improvements and housing renovations and pledges 29967  
money from the municipal public improvement tax increment 29968

equivalent fund to pay the interest on and principal of the bonds 29969  
or notes, the bonds or notes are not subject to Chapter 133. of 29970  
the Revised Code. 29971

(I) The municipal corporation, not later than fifteen days 29972  
after the adoption of an ordinance under this section, shall 29973  
submit to the director of development services a copy of the 29974  
ordinance. On or before the thirty-first day of March of each 29975  
year, the municipal corporation shall submit a status report to 29976  
the director of development services. The report shall indicate, 29977  
in the manner prescribed by the director, the progress of the 29978  
project during each year that an exemption remains in effect, 29979  
including a summary of the receipts from service payments in lieu 29980  
of taxes; expenditures of money from the funds created under 29981  
section 5709.43 of the Revised Code; a description of the public 29982  
infrastructure improvements and housing renovations financed with 29983  
such expenditures; and a quantitative summary of changes in 29984  
employment and private investment resulting from each project. 29985

(J) Nothing in this section shall be construed to prohibit a 29986  
legislative authority from declaring to be a public purpose 29987  
improvements with respect to more than one parcel. 29988

(K) If a parcel is located in a new community district in 29989  
which the new community authority imposes a community development 29990  
charge on the basis of rentals received from leases of real 29991  
property as described in division (L)(2) of section 349.01 of the 29992  
Revised Code, the parcel may not be exempted from taxation under 29993  
this section. 29994

**Sec. 5713.012.** (A) For purposes of this section: 29995

(1) "Mass appraisal project" means any sexennial reappraisal, 29996  
triennial update, or other revaluation of all real property or the 29997  
valuation of newly constructed real property in accordance with 29998  
section 5713.01 of the Revised Code. 29999

(2) "Qualified project manager" means a person who plans,	30000
manages, coordinates, and controls the execution of a mass	30001
appraisal project under the direction of the county auditor and	30002
who has all of the following qualifications:	30003
(a) Has passed a comprehensive final examination that	30004
corresponds to a course, approved by the superintendent of real	30005
estate and professional licensing, that consists of at least	30006
thirty hours of instruction, quizzes, and learning aids. The	30007
superintendent shall not approve a course under this division that	30008
does not address the following topics in both the instruction and	30009
the examination:	30010
(i) Concepts and principles of mass appraisal as they relate	30011
to the assessment of real property for the purposes of ad valorem	30012
taxation;	30013
(ii) Methods of data collection and data management relative	30014
to parcels of real property, including modern alternative data	30015
collection methods and currently utilized computer-assisted mass	30016
appraisal systems;	30017
(iii) Assessment sales-ratio study including various measures	30018
of central tendency, the various measures of dispersion of data	30019
about the mean, median, and dollar-weighted mean, and the	30020
advantages and disadvantages of various analysis techniques;	30021
(iv) Traditional approaches of property valuation, including	30022
the cost approach, the sales comparison approach, and the income	30023
approach, as they are implemented in a mass appraisal project;	30024
(v) Methods and systems for model building and model	30025
calibration as related to mass appraisal of real property;	30026
(vi) Methods of production management and project analysis	30027
such as Gantt charts, program evaluation and review technique	30028
(PERT) charts, frequency distribution charts, line graphs, bar	30029
charts, and scatter diagrams, as they are utilized in the mass	30030

appraisal area. 30031

(b) Has completed at least seven hours of continuing 30032  
education courses in mass appraisal during the two-year period 30033  
immediately succeeding the year in which the person passed the 30034  
examination required in division (A)(2)(a) of this section, and 30035  
during each two-year period thereafter. 30036

(B)(1) The county auditor, in acting as the assessor of all 30037  
real property in the auditor's county for taxation purposes in 30038  
accordance with section 5713.01 of the Revised Code, shall involve 30039  
at least one qualified project manager in each mass ~~assessment~~ 30040  
appraisal project that originates more than two years after the 30041  
effective date of the enactment of this section by H.B. 487 of the 30042  
129th general assembly, September 10, 2012. 30043

(2) The tax commissioner, beginning two years after the 30044  
effective date of the enactment of this section by H.B. 487 of the 30045  
129th general assembly, September 10, 2012, shall not approve any 30046  
contract entered into by the auditor under division (E) of section 30047  
5713.01 of the Revised Code, with a person to do all or any part 30048  
of the work necessary to the performance of the auditor's duties 30049  
as assessor unless that person designates an officer or employee 30050  
of that person, with the appropriate credentials, to act as a 30051  
qualified project manager. 30052

(3) The tax commissioner, beginning two years after the 30053  
effective date of the enactment of this section by H.B. 487 of the 30054  
129th general assembly, September 10, 2012, shall not include any 30055  
person that has not designated an officer or employee, with the 30056  
appropriate credentials, to act as a qualified project manager on 30057  
a list generated by the commissioner for either of the following 30058  
purposes: 30059

(a) To assist county auditors in selecting a person to do all 30060  
or any part of the work necessary to the performance of the 30061

auditor's duties as assessor of all real property under section 30062  
5713.01 of the Revised Code; 30063

(b) To assist the commissioner in the consideration of 30064  
whether to approve or disapprove the auditor's application 30065  
requesting authority to employ an appraisal firm or individual 30066  
appraiser. 30067

(C) The superintendent of real estate and professional 30068  
licensing shall adopt reasonable rules in accordance with Chapter 30069  
119. of the Revised Code necessary for the implementation of this 30070  
section, including rules establishing both of the following: 30071

(1) The form and manner by which persons may apply to the 30072  
superintendent to offer a thirty-hour course or continuing 30073  
education course as described in division (A)(2) of this section; 30074

(2) Standards to be used by the superintendent in approving a 30075  
thirty-hour course or continuing education course described in 30076  
division (A)(2) of this section. 30077

**Sec. 5713.08.** (A)(1) The county auditor shall make a list of 30078  
all real and personal property in the auditor's county that is 30079  
exempted from taxation. Such list shall show the name of the 30080  
owner, the value of the property exempted, and a statement in 30081  
brief form of the ground on which such exemption has been granted. 30082  
It shall be corrected annually by adding thereto the items of 30083  
property which have been exempted during the year, and by striking 30084  
therefrom the items which in the opinion of the auditor have lost 30085  
their right of exemption and which have been reentered on the 30086  
taxable list, but no property shall be struck from the exempt 30087  
property list solely ~~because the~~ for any of the following reasons: 30088

(a) The property has been conveyed to a single member limited 30089  
liability company with a nonprofit purpose from its nonprofit 30090  
member ~~or because the~~; 30091

(b) The property has been conveyed by a single member limited liability company with a nonprofit purpose to its nonprofit member; 30092  
30093  
30094

(c) The property has been conveyed to a qualifying limited liability company and the property is considered as used exclusively for charitable or public purposes under division (C) of section 5709.121 of the Revised Code. As used in divisions (A)(1)(c) and (d) of this section, "qualifying limited liability company" has the same meaning as in division (C) of section 5709.121 of the Revised Code. 30095  
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(d) The property described in division (A)(1)(c) of this section has been conveyed by the qualifying limited liability company to the sole managing member of that qualifying limited liability company. No 30102  
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No additions shall be made to such exempt lists and no additional items of property shall be exempted from taxation without the consent of the tax commissioner as is provided for in section 5715.27 of the Revised Code or without the consent of the housing officer under section 3735.67 of the Revised Code, except for property exempted by the auditor under that section or qualifying agricultural real property, as defined in section 5709.28 of the Revised Code, that is enrolled in an agriculture security area that is exempt under that section. The commissioner may revise at any time the list in every county so that no property is improperly or illegally exempted from taxation. The auditor shall follow the orders of the commissioner given under this section. An abstract of such list shall be filed annually with the commissioner, on a form approved by the commissioner, and a copy thereof shall be kept on file in the office of each auditor for public inspection. 30106  
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(2) An application for exemption of property shall include a certificate executed by the county treasurer certifying one of the 30122  
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following: 30124

~~(1)~~(a) That all taxes, interest, and penalties levied and 30125  
assessed against the property sought to be exempted have been paid 30126  
in full for all of the tax years preceding the tax year for which 30127  
the application for exemption is filed, except for such taxes, 30128  
interest, and penalties that may be remitted under division (C) of 30129  
this section; 30130

~~(2)~~(b) That the applicant has entered into a valid delinquent 30131  
tax contract with the county treasurer pursuant to division (A) of 30132  
section 323.31 of the Revised Code to pay all of the delinquent 30133  
taxes, interest, and penalties charged against the property, 30134  
except for such taxes, interest, and penalties that may be 30135  
remitted under division (C) of this section. If the auditor 30136  
receives notice under section 323.31 of the Revised Code that such 30137  
a written delinquent tax contract has become void, the auditor 30138  
shall strike such property from the list of exempted property and 30139  
reenter such property on the taxable list. If property is removed 30140  
from the exempt list because a written delinquent tax contract has 30141  
become void, current taxes shall first be extended against that 30142  
property on the general tax list and duplicate of real and public 30143  
utility property for the tax year in which the auditor receives 30144  
the notice required by division (A) of section 323.31 of the 30145  
Revised Code that the delinquent tax contract has become void or, 30146  
if that notice is not timely made, for the tax year in which falls 30147  
the latest date by which the treasurer is required by such section 30148  
to give such notice. A county auditor shall not remove from any 30149  
tax list and duplicate the amount of any unpaid delinquent taxes, 30150  
assessments, interest, or penalties owed on property that is 30151  
placed on the exempt list pursuant to this division. 30152

~~(3)~~(c) That a tax certificate has been issued under section 30153  
5721.32 or 5721.33 of the Revised Code with respect to the 30154  
property that is the subject of the application, and the tax 30155

certificate is outstanding. 30156

(B) If the treasurer's certificate is not included with the 30157  
application or the certificate reflects unpaid taxes, penalties, 30158  
and interest that may not be remitted, the tax commissioner or 30159  
county auditor with whom the application was filed shall notify 30160  
the property owner of that fact, and the applicant shall be given 30161  
sixty days from the date that notification was mailed in which to 30162  
provide the tax commissioner or county auditor with a corrected 30163  
treasurer's certificate. If a corrected treasurer's certificate is 30164  
not received within the time permitted, the tax commissioner or 30165  
county auditor does not have authority to consider the tax 30166  
exemption application. 30167

(C) Any taxes, interest, and penalties which have become a 30168  
lien after the property was first used for the exempt purpose, but 30169  
in no case prior to the date of acquisition of the title to the 30170  
property by the applicant, may be remitted by the commissioner or 30171  
county auditor, except as is provided in division (A) of section 30172  
5713.081 of the Revised Code. 30173

(D) Real property acquired by the state in fee simple is 30174  
exempt from taxation from the date of acquisition of title or date 30175  
of possession, whichever is the earlier date, provided that all 30176  
taxes, interest, and penalties as provided in the apportionment 30177  
provisions of section 319.20 of the Revised Code have been paid to 30178  
the date of acquisition of title or date of possession by the 30179  
state, whichever is earlier. The proportionate amount of taxes 30180  
that are a lien but not yet determined, assessed, and levied for 30181  
the year in which the property is acquired, shall be remitted by 30182  
the county auditor for the balance of the year from date of 30183  
acquisition of title or date of possession, whichever is earlier. 30184  
This section shall not be construed to authorize the exemption of 30185  
such property from taxation or the remission of taxes, interest, 30186  
and penalties thereon until all private use has terminated. 30187



Sec. 5715.19. (A) As used in this section, "member" has the 30188  
same meaning as in section 1705.01 of the Revised Code. 30189

(1) Subject to division (A)(2) of this section, a complaint 30190  
against any of the following determinations for the current tax 30191  
year shall be filed with the county auditor on or before the 30192  
thirty-first day of March of the ensuing tax year or the date of 30193  
closing of the collection for the first half of real and public 30194  
utility property taxes for the current tax year, whichever is 30195  
later: 30196

(a) Any classification made under section 5713.041 of the 30197  
Revised Code; 30198

(b) Any determination made under section 5713.32 or 5713.35 30199  
of the Revised Code; 30200

(c) Any recoupment charge levied under section 5713.35 of the 30201  
Revised Code; 30202

(d) The determination of the total valuation or assessment of 30203  
any parcel that appears on the tax list, except parcels assessed 30204  
by the tax commissioner pursuant to section 5727.06 of the Revised 30205  
Code; 30206

(e) The determination of the total valuation of any parcel 30207  
that appears on the agricultural land tax list, except parcels 30208  
assessed by the tax commissioner pursuant to section 5727.06 of 30209  
the Revised Code; 30210

(f) Any determination made under division (A) of section 30211  
319.302 of the Revised Code. 30212

If such a complaint is filed by mail or certified mail, the 30213  
date of the United States postmark placed on the envelope or 30214  
sender's receipt by the postal service shall be treated as the 30215  
date of filing. A private meter postmark on an envelope is not a 30216  
valid postmark for purposes of establishing the filing date. 30217

Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; if the person is a firm, company, association, partnership, limited liability company, or corporation, an officer, a salaried employee, a partner, or a member of that person; or, if the person is a trust, a trustee of the trust; ~~the board of county commissioners; the prosecuting attorney or treasurer of the county; the board of township trustees of any township with territory within the county; the board of education of any school district with any territory in the county; or the mayor or legislative authority of any municipal corporation with any territory in the county~~ may file such a complaint regarding any such determination affecting ~~any~~ real property owned by the person in the county, ~~except that a person owning taxable real property in another county may file such a complaint only with regard to any such determination affecting real property in the county that is located in the same taxing district as that person's real property is located.~~ A county recorder may, at the recorder's discretion, file such a complaint regarding any such determination affecting any real property in the county. No person, board, officer, or other entity may compel a county recorder to file such a complaint. The board of county commissioners, the prosecuting attorney or treasurer of the county, the board of township trustees of any township with territory within the county, the

board of education of any school district with any territory in 30251  
the county, or the mayor or legislative authority of any municipal 30252  
corporation with any territory in the county may file such a 30253  
complaint only as a counterclaim to a complaint filed by the 30254  
property owner, the property owner's spouse, or an individual 30255  
retained by the property owner or the property owner's spouse who 30256  
is authorized to file a complaint under this section. The county 30257  
auditor shall present to the county board of revision all 30258  
complaints filed with the auditor. 30259

(2) As used in division (A)(2) of this section, "interim 30260  
period" means, for each county, the tax year to which section 30261  
5715.24 of the Revised Code applies and each subsequent tax year 30262  
until the tax year in which that section applies again. 30263

No person, board, or officer shall file a complaint against 30264  
the valuation or assessment of any parcel that appears on the tax 30265  
list if ~~it~~ the person, board, or officer filed a complaint against 30266  
the valuation or assessment of that parcel for any prior tax year 30267  
in the same interim period, unless the person, board, or officer 30268  
alleges that the valuation or assessment should be changed due to 30269  
one or more of the following circumstances that occurred after the 30270  
tax lien date for the tax year for which the prior complaint was 30271  
filed and that the circumstances were not taken into consideration 30272  
with respect to the prior complaint: 30273

(a) The property was sold in an arm's length transaction, as 30274  
described in section 5713.03 of the Revised Code; 30275

(b) The property lost value due to some casualty; 30276

(c) Substantial improvement was added to the property; 30277

(d) An increase or decrease of at least fifteen per cent in 30278  
the property's occupancy has had a substantial economic impact on 30279  
the property. 30280

(3) If a county board of revision, the board of tax appeals, 30281

or any court dismisses a complaint filed under this section or 30282  
section 5715.13 of the Revised Code for the reason that the act of 30283  
filing the complaint was the unauthorized practice of law or the 30284  
person filing the complaint was engaged in the unauthorized 30285  
practice of law, the party affected by a decrease in valuation or 30286  
the party's agent, or the person owning taxable real property in 30287  
the county or in a taxing district with territory in the county, 30288  
may refile the complaint, notwithstanding division (A)(2) of this 30289  
section. 30290

(4) Notwithstanding division (A)(2) of this section, a 30291  
person, board, or officer ~~may~~ authorized by division (A)(1) of 30292  
this section to file a complaint against the valuation or 30293  
assessment of ~~any~~ a parcel that appears on the tax list may file 30294  
such a complaint if ~~it~~ the person, board, or officer filed a 30295  
complaint against the valuation or assessment of that parcel for 30296  
any prior tax year in the same interim period ~~if the person,~~ 30297  
~~board, or officer~~ but withdrew the complaint before the complaint 30298  
was heard by the board of revision. 30299

(B) Within thirty days after the last date such complaints 30300  
may be filed, the auditor shall give notice of each complaint in 30301  
which the stated amount of overvaluation, undervaluation, 30302  
discriminatory valuation, illegal valuation, or incorrect 30303  
determination is at least seventeen thousand five hundred dollars 30304  
to each property owner whose property is the subject of the 30305  
complaint, if the complaint was not filed by the owner or the 30306  
owner's spouse, and to each board of education whose school 30307  
district may be affected by the complaint. Within thirty days 30308  
after receiving such notice, a board of education; a property 30309  
owner; the owner's spouse; an individual who is retained by such 30310  
an owner and who holds a designation from a professional 30311  
assessment organization, such as the institute for professionals 30312  
in taxation, the national council of property taxation, or the 30313

international association of assessing officers; a public 30314  
accountant who holds a permit under section 4701.10 of the Revised 30315  
Code, a general or residential real estate appraiser licensed or 30316  
certified under Chapter 4763. of the Revised Code, or a real 30317  
estate broker licensed under Chapter 4735. of the Revised Code, 30318  
who is retained by such a person; or, if the property owner is a 30319  
firm, company, association, partnership, limited liability 30320  
company, corporation, or trust, an officer, a salaried employee, a 30321  
partner, a member, or trustee of that property owner, may file a 30322  
complaint in support of or objecting to the amount of alleged 30323  
overvaluation, undervaluation, discriminatory valuation, illegal 30324  
valuation, or incorrect determination stated in a previously filed 30325  
complaint or objecting to the current valuation. Upon the filing 30326  
of a complaint under this division, the board of education or the 30327  
property owner shall be made a party to the action. 30328

(C) Each board of revision shall notify any complainant and 30329  
also the property owner, if the property owner's address is known, 30330  
when a complaint is filed by one other than the property owner, by 30331  
certified mail, not less than ten days prior to the hearing, of 30332  
the time and place the same will be heard. The board of revision 30333  
shall hear and render its decision on a complaint within ninety 30334  
days after the filing thereof with the board, except that if a 30335  
complaint is filed within thirty days after receiving notice from 30336  
the auditor as provided in division (B) of this section, the board 30337  
shall hear and render its decision within ninety days after such 30338  
filing. 30339

(D) The determination of any such complaint shall relate back 30340  
to the date when the lien for taxes or recoupment charges for the 30341  
current year attached or the date as of which liability for such 30342  
year was determined. Liability for taxes and recoupment charges 30343  
for such year and each succeeding year until the complaint is 30344  
finally determined and for any penalty and interest for nonpayment 30345

thereof within the time required by law shall be based upon the 30346  
determination, valuation, or assessment as finally determined. 30347  
Each complaint shall state the amount of overvaluation, 30348  
undervaluation, discriminatory valuation, illegal valuation, or 30349  
incorrect classification or determination upon which the complaint 30350  
is based. The treasurer shall accept any amount tendered as taxes 30351  
or recoupment charge upon property concerning which a complaint is 30352  
then pending, computed upon the claimed valuation as set forth in 30353  
the complaint. If a complaint filed under this section for the 30354  
current year is not determined by the board within the time 30355  
prescribed for such determination, the complaint and any 30356  
proceedings in relation thereto shall be continued by the board as 30357  
a valid complaint for any ensuing year until such complaint is 30358  
finally determined by the board or upon any appeal from a decision 30359  
of the board. In such case, the original complaint shall continue 30360  
in effect without further filing by the ~~original taxpayer, the~~ 30361  
~~original taxpayer's assignee, or any other person or entity~~ 30362  
~~authorized to file a complaint under this section~~ parties to the 30363  
action. 30364

(E) If a taxpayer files a complaint ~~as to the classification,~~ 30365  
~~valuation, assessment, or any determination affecting the~~ 30366  
~~taxpayer's own property~~ under this section and tenders less than 30367  
the full amount of taxes or recoupment charges as finally 30368  
determined, an interest charge shall accrue as follows: 30369

(1) If the amount finally determined is less than the amount 30370  
billed but more than the amount tendered, the taxpayer shall pay 30371  
interest at the rate per annum prescribed by section 5703.47 of 30372  
the Revised Code, computed from the date that the taxes were due 30373  
on the difference between the amount finally determined and the 30374  
amount tendered. This interest charge shall be in lieu of any 30375  
penalty or interest charge under section 323.121 of the Revised 30376  
Code unless the taxpayer failed to file a complaint and tender an 30377

amount as taxes or recoupment charges within the time required by 30378  
this section, in which case section 323.121 of the Revised Code 30379  
applies. 30380

(2) If the amount of taxes finally determined is equal to or 30381  
greater than the amount billed and more than the amount tendered, 30382  
the taxpayer shall pay interest at the rate prescribed by section 30383  
5703.47 of the Revised Code from the date the taxes were due on 30384  
the difference between the amount finally determined and the 30385  
amount tendered, such interest to be in lieu of any interest 30386  
charge but in addition to any penalty prescribed by section 30387  
323.121 of the Revised Code. 30388

(F) Upon request of a complainant, the tax commissioner shall 30389  
determine the common level of assessment of real property in the 30390  
county for the year stated in the request that is not valued under 30391  
section 5713.31 of the Revised Code, which common level of 30392  
assessment shall be expressed as a percentage of true value and 30393  
the common level of assessment of lands valued under such section, 30394  
which common level of assessment shall also be expressed as a 30395  
percentage of the current agricultural use value of such lands. 30396  
Such determination shall be made on the basis of the most recent 30397  
available sales ratio studies of the commissioner and such other 30398  
factual data as the commissioner deems pertinent. 30399

(G) A complainant shall provide to the board of revision all 30400  
information or evidence within the complainant's knowledge or 30401  
possession that affects the real property that is the subject of 30402  
the complaint. A complainant who fails to provide such information 30403  
or evidence is precluded from introducing it on appeal to the 30404  
board of tax appeals or the court of common pleas, except that the 30405  
board of tax appeals or court may admit and consider the evidence 30406  
if the complainant shows good cause for the complainant's failure 30407  
to provide the information or evidence to the board of revision. 30408

(H) In case of the pendency of any proceeding in court based 30409

upon an alleged excessive, discriminatory, or illegal valuation or 30410  
incorrect classification or determination, the taxpayer may tender 30411  
to the treasurer an amount as taxes upon property computed upon 30412  
the claimed valuation as set forth in the complaint to the court. 30413  
The treasurer may accept the tender. If the tender is not 30414  
accepted, no penalty shall be assessed because of the nonpayment 30415  
of the full taxes assessed. 30416

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of 30417  
this section and in section 3735.67 of the Revised Code, the 30418  
owner, a vendee in possession under a purchase agreement or a land 30419  
contract, the beneficiary of a trust, or a lessee for an initial 30420  
term of not less than thirty years of any property may file an 30421  
application with the tax commissioner, on forms prescribed by the 30422  
commissioner, requesting that such property be exempted from 30423  
taxation and that taxes, interest, and penalties be remitted as 30424  
provided in division (C) of section 5713.08 of the Revised Code. 30425

(2) If the property that is the subject of the application 30426  
for exemption is any of the following, the application shall be 30427  
filed with the county auditor of the county in which the property 30428  
is listed for taxation: 30429

(a) A public road or highway; 30430

(b) Property belonging to the federal government of the 30431  
United States; 30432

(c) Additions or other improvements to an existing building 30433  
or structure that belongs to the state or a political subdivision, 30434  
as defined in section 5713.081 of the Revised Code, and that is 30435  
exempted from taxation as property used exclusively for a public 30436  
purpose; 30437

(d) Property of the boards of trustees and of the housing 30438  
commissions of the state universities, the northeastern Ohio 30439



universities college of medicine, and of the state to be exempted 30440  
under section 3345.17 of the Revised Code. 30441

(B) The board of education of any school district may request 30442  
the tax commissioner or county auditor to provide it with 30443  
notification of applications for exemption from taxation for 30444  
property located within that district. If so requested, the 30445  
commissioner or auditor shall send to the board on a monthly basis 30446  
reports that contain sufficient information to enable the board to 30447  
identify each property that is the subject of an exemption 30448  
application, including, but not limited to, the name of the 30449  
property owner or applicant, the address of the property, and the 30450  
auditor's parcel number. The commissioner or auditor shall mail 30451  
the reports by the fifteenth day of the month following the end of 30452  
the month in which the commissioner or auditor receives the 30453  
applications for exemption. 30454

(C) A board of education that has requested notification 30455  
under division (B) of this section may, with respect to any 30456  
application for exemption of property located in the district and 30457  
included in the commissioner's or auditor's most recent report 30458  
provided under that division, file a statement with the 30459  
commissioner or auditor and with the applicant indicating its 30460  
intent to submit evidence and participate in any hearing on the 30461  
application. The statements shall be filed prior to the first day 30462  
of the third month following the end of the month in which that 30463  
application was docketed by the commissioner or auditor. A 30464  
statement filed in compliance with this division entitles the 30465  
district to submit evidence and to participate in any hearing on 30466  
the property and makes the district a party for purposes of 30467  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 30468  
the commissioner's or auditor's decision to the board of tax 30469  
appeals. 30470

(D) The commissioner or auditor shall not hold a hearing on 30471

or grant or deny an application for exemption of property in a 30472  
school district whose board of education has requested 30473  
notification under division (B) of this section until the end of 30474  
the period within which the board may submit a statement with 30475  
respect to that application under division (C) of this section. 30476  
The commissioner or auditor may act upon an application at any 30477  
time prior to that date upon receipt of a written waiver from each 30478  
such board of education, or, in the case of exemptions authorized 30479  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.62, 30480  
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 30481  
Revised Code, upon the request of the property owner. Failure of a 30482  
board of education to receive the report required in division (B) 30483  
of this section shall not void an action of the commissioner or 30484  
auditor with respect to any application. The commissioner or 30485  
auditor may extend the time for filing a statement under division 30486  
(C) of this section. 30487

(E) ~~A complaint may also be filed with the commissioner or~~ 30488  
~~auditor by any~~ Any person, board, or officer authorized by section 30489  
5715.19 of the Revised Code to file complaints or counterclaims to 30490  
complaints with the county board of revision may file a complaint 30491  
with the commissioner or auditor against the continued exemption 30492  
of any property granted exemption by the commissioner or auditor 30493  
under this section. 30494

(F) An application for exemption and a complaint against 30495  
exemption shall be filed prior to the thirty-first day of December 30496  
of the tax year for which exemption is requested or for which the 30497  
liability of the property to taxation in that year is requested. 30498  
The commissioner or auditor shall consider such application or 30499  
complaint in accordance with procedures established by the 30500  
commissioner, determine whether the property is subject to 30501  
taxation or exempt therefrom, and, if the commissioner makes the 30502  
determination, certify the determination to the auditor. Upon 30503

making the determination or receiving the commissioner's 30504  
determination, the auditor shall correct the tax list and 30505  
duplicate accordingly. If a tax certificate has been sold under 30506  
section 5721.32 or 5721.33 of the Revised Code with respect to 30507  
property for which an exemption has been requested, the tax 30508  
commissioner or auditor shall also certify the findings to the 30509  
county treasurer of the county in which the property is located. 30510

(G) Applications and complaints, and documents of any kind 30511  
related to applications and complaints, filed with the tax 30512  
commissioner or county auditor under this section are public 30513  
records within the meaning of section 149.43 of the Revised Code. 30514

(H) If the commissioner or auditor determines that the use of 30515  
property or other facts relevant to the taxability of property 30516  
that is the subject of an application for exemption or a complaint 30517  
under this section has changed while the application or complaint 30518  
was pending, the commissioner or auditor may make the 30519  
determination under division (F) of this section separately for 30520  
each tax year beginning with the year in which the application or 30521  
complaint was filed or the year for which remission of taxes under 30522  
division (C) of section 5713.08 of the Revised Code was requested, 30523  
and including each subsequent tax year during which the 30524  
application or complaint is pending before the commissioner or 30525  
auditor. 30526

**Sec. 5717.01.** An appeal from a decision of a county board of 30527  
revision may be taken to the board of tax appeals within thirty 30528  
days after notice of the decision of the county board of revision 30529  
is mailed as provided in division (A) of section 5715.20 of the 30530  
Revised Code. Such an appeal may be taken by the county auditor, 30531  
the tax commissioner, or any board, legislative authority, public 30532  
official, or taxpayer authorized by section 5715.19 of the Revised 30533  
Code to file complaints or counterclaims to complaints against 30534

valuations or assessments with the auditor. Such appeal shall be 30535  
taken by the filing of a notice of appeal, in person or by 30536  
certified mail, express mail, facsimile transmission, electronic 30537  
transmission, or by authorized delivery service, with the board of 30538  
tax appeals and with the county board of revision. If notice of 30539  
appeal is filed by certified mail, express mail, or authorized 30540  
delivery service as provided in section 5703.056 of the Revised 30541  
Code, the date of the United States postmark placed on the 30542  
sender's receipt by the postal service or the date of receipt 30543  
recorded by the authorized delivery service shall be treated as 30544  
the date of filing. If notice of appeal is filed by facsimile 30545  
transmission or electronic transmission, the date and time the 30546  
notice is received by the board shall be the date and time 30547  
reflected on a timestamp provided by the board's electronic 30548  
system, and the appeal shall be considered filed with the board on 30549  
the date reflected on that timestamp. Any timestamp provided by 30550  
another computer system or electronic submission device shall not 30551  
affect the time and date the notice is received by the board. Upon 30552  
receipt of such notice of appeal such county board of revision 30553  
shall by certified mail notify all persons thereof who were 30554  
parties to the proceeding before such county board of revision, 30555  
and shall file proof of such notice with the board of tax appeals. 30556  
The county board of revision shall thereupon certify to the board 30557  
of tax appeals a transcript of the record of the proceedings of 30558  
the county board of revision pertaining to the original complaint, 30559  
and all evidence offered in connection therewith. Such appeal may 30560  
be heard by the board of tax appeals at its offices in Columbus or 30561  
in the county where the property is listed for taxation, or the 30562  
board of tax appeals may cause its examiners to conduct such 30563  
hearing and to report to it their findings for affirmation or 30564  
rejection. An appeal may proceed pursuant to section 5703.021 of 30565  
the Revised Code on the small claims docket if the appeal 30566  
qualifies under that section. 30567

The board of tax appeals may order the appeal to be heard on the record and the evidence certified to it by the county board of revision, or it may order the hearing of additional evidence, and it may make such investigation concerning the appeal as it deems proper.

**Sec. 5727.111.** The taxable property of each public utility, except a railroad company, and of each interexchange telecommunications company shall be assessed at the following percentages of true value:

(A) In the case of a rural electric company, fifty per cent in the case of its taxable transmission and distribution property and its energy conversion equipment, and twenty-five per cent for all its other taxable property;

(B) In the case of a telephone or telegraph company, twenty-five per cent for taxable property first subject to taxation in this state for tax year 1995 or thereafter for tax years before tax year 2007, and pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter, and the following for all other taxable property:

(1) For tax years prior to 2005, eighty-eight per cent;

(2) For tax year 2005, sixty-seven per cent;

(3) For tax year 2006, forty-six per cent;

(4) For tax year 2007 and thereafter, pursuant to division (H) of section 5711.22 of the Revised Code.

(C) Twenty-five per cent in the case of a natural gas company.

(D) Eighty-eight per cent in the case of a pipe-line ~~water works~~, or heating company;

(E)(1) For tax year 2005, eighty-eight per cent in the case

of the taxable transmission and distribution property of an 30597  
electric company, and twenty-five per cent for all its other 30598  
taxable property; 30599

(2) For tax year 2006 and each tax year thereafter, in the 30600  
case of an electric company, eighty-five per cent in the case of 30601  
its taxable transmission and distribution property and its energy 30602  
conversion equipment, and twenty-four per cent for all its other 30603  
taxable property. 30604

(F)(1) Twenty-five per cent in the case of an interexchange 30605  
telecommunications company for tax years before tax year 2007; 30606

(2) Pursuant to division (H) of section 5711.22 of the 30607  
Revised Code for tax year 2007 and thereafter. 30608

(G) Twenty-five per cent in the case of a water 30609  
transportation company; 30610

(H) For tax year 2011 and each tax year thereafter in the 30611  
case of an energy company, twenty-four per cent in the case of its 30612  
taxable production equipment, and eighty-five per cent for all its 30613  
other taxable property. 30614

(I) In the case of a water-works company, twenty-five per 30615  
cent for taxable property first subject to taxation in this state 30616  
for tax year 2014 or thereafter, and eighty-eight per cent for all 30617  
its other taxable property. 30618

**Sec. 5739.05.** (A) The tax commissioner shall enforce and 30619  
administer sections 5739.01 to 5739.31 of the Revised Code, which 30620  
are hereby declared to be sections which the commissioner is 30621  
required to administer within the meaning of sections 5703.17 to 30622  
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 30623  
commissioner may adopt and promulgate, in accordance with sections 30624  
119.01 to 119.13 of the Revised Code, such rules as the 30625  
commissioner deems necessary to administer sections 5739.01 to 30626

5739.31 of the Revised Code. 30627

(B) Upon application, the commissioner may authorize a vendor 30628  
to pay on a predetermined basis the tax levied by or pursuant to 30629  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 30630  
Code upon sales of things produced or distributed or services 30631  
provided by such vendor, and the commissioner may waive the 30632  
collection of the tax from the consumer. The commissioner shall 30633  
not grant such authority unless the commissioner finds that the 30634  
granting of the authority would improve compliance and increase 30635  
the efficiency of the administration of the tax. The person to 30636  
whom such authority is granted shall post a notice, if required by 30637  
the commissioner, at the location where the product is offered for 30638  
sale that the tax is included in the selling price. The 30639  
~~commissioner~~ commissioner may adopt rules to administer this 30640  
division. 30641

(C) ~~The~~ Upon application, the commissioner may authorize a 30642  
vendor to ~~pay~~ remit, on the basis of a prearranged agreement under 30643  
this division, the tax levied by section 5739.02 or pursuant to 30644  
section 5739.021, 5739.023, or 5739.026 of the Revised Code, ~~and~~ 30645  
~~waive the requirement that the vendor maintain the complete and~~ 30646  
~~accurate record of individual taxable sales and tax collected~~ 30647  
~~thereon required by section 5739.11 of the Revised Code, upon~~ 30648  
~~application of the vendor, if the commissioner finds that the~~ 30649  
~~conditions of the vendor applicant's business are such that the~~ 30650  
~~maintenance of such records of individual taxable sales and tax~~ 30651  
~~collected thereon would impose an unreasonable burden upon the~~ 30652  
~~vendor. If the commissioner determines that such unreasonable~~ 30653  
~~burden has been imposed, the vendor and the commissioner shall~~ 30654  
~~agree to the terms and conditions of a test check to be conducted.~~ 30655  
The proportions and ratios in a prearranged agreement shall be 30656  
determined either by a test check conducted by the commissioner 30657  
under terms and conditions agreed to by the commissioner and the 30658

vendor or by any other method agreed upon by the vendor and the 30659  
commissioner. If the parties are unable to agree to the terms and 30660  
conditions of the test check or other method, the application 30661  
shall be denied. ~~The~~ 30662

If used, the test check ~~conducted~~ shall determine the 30663  
proportion that taxable retail sales bear to all of the vendor's 30664  
retail sales and the ratio which the tax required to be collected 30665  
under sections 5739.02, 5739.021, ~~and~~ 5739.023, and 5739.026 of 30666  
the Revised Code bears to the receipts from the vendor's taxable 30667  
retail sales. 30668

~~The vendor shall collect the tax on the vendor's taxable~~ 30669  
~~sales and the vendor's liability for collecting or remitting the~~ 30670  
~~tax~~ shall be based solely upon the proportions and ratios 30671  
~~established by the test check, and not upon any other basis of~~ 30672  
~~determination, in the agreement~~ until such time as ~~a subsequent~~ 30673  
~~test check is made at the request of either~~ that the vendor or the 30674  
commissioner ~~where either party~~ believes that the nature of the 30675  
vendor's business has so changed as to make the ~~prior or existing~~ 30676  
~~test check agreement~~ no longer representative. The commissioner 30677  
may give notice to the vendor at any time that the authorization 30678  
is revoked or the vendor may notify the commissioner that the 30679  
vendor no longer elects to report under the authorization. Such 30680  
notice shall be delivered to the other party personally or by 30681  
registered mail. The revocation or cancellation is ~~not~~ effective 30682  
~~prior to the date of receipt of such~~ last day of the month in 30683  
which the vendor or the commissioner receives the notice. 30684

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 30685  
resolution adopted by a majority of the members of the board, levy 30686  
an excise tax not to exceed three per cent on transactions by 30687  
which lodging by a hotel is or is to be furnished to transient 30688  
guests. The board shall establish all regulations necessary to 30689



provide for the administration and allocation of the tax. The 30690  
regulations may prescribe the time for payment of the tax, and may 30691  
provide for the imposition of a penalty or interest, or both, for 30692  
late payments, provided that the penalty does not exceed ten per 30693  
cent of the amount of tax due, and the rate at which interest 30694  
accrues does not exceed the rate per annum prescribed pursuant to 30695  
section 5703.47 of the Revised Code. Except as provided in 30696  
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 30697  
regulations shall provide, after deducting the real and actual 30698  
costs of administering the tax, for the return to each municipal 30699  
corporation or township that does not levy an excise tax on the 30700  
transactions, a uniform percentage of the tax collected in the 30701  
municipal corporation or in the unincorporated portion of the 30702  
township from each transaction, not to exceed thirty-three and 30703  
one-third per cent. The remainder of the revenue arising from the 30704  
tax shall be deposited in a separate fund and shall be spent 30705  
solely to make contributions to the convention and visitors' 30706  
bureau operating within the county, including a pledge and 30707  
contribution of any portion of the remainder pursuant to an 30708  
agreement authorized by section 307.678 or 307.695 of the Revised 30709  
Code, provided that if the board of county commissioners of an 30710  
eligible county as defined in section 307.678 or 307.695 of the 30711  
Revised Code adopts a resolution amending a resolution levying a 30712  
tax under this division to provide that ~~the~~ revenue from the tax 30713  
shall be used by the board as described in either division (D) of 30714  
section 307.678 or division (H) of section 307.695 of the Revised 30715  
Code, the remainder of the revenue shall be used as described in 30716  
the resolution making that amendment. Except as provided in 30717  
division (A)(2), (3), (4), (5), (6), or (7) or (H) of this 30718  
section, on and after May 10, 1994, a board of county 30719  
commissioners may not levy an excise tax pursuant to this division 30720  
in any municipal corporation or township located wholly or partly 30721  
within the county that has in effect an ordinance or resolution 30722

levying an excise tax pursuant to division (B) of this section. 30723  
The board of a county that has levied a tax under division (C) of 30724  
this section may, by resolution adopted within ninety days after 30725  
July 15, 1985, by a majority of the members of the board, amend 30726  
the resolution levying a tax under this division to provide for a 30727  
portion of that tax to be pledged and contributed in accordance 30728  
with an agreement entered into under section 307.695 of the 30729  
Revised Code. A tax, any revenue from which is pledged pursuant to 30730  
such an agreement, shall remain in effect at the rate at which it 30731  
is imposed for the duration of the period for which the revenue 30732  
from the tax has been so pledged. 30733

The board of county commissioners of an eligible county as 30734  
defined in section 307.695 of the Revised Code may, by resolution 30735  
adopted by a majority of the members of the board, amend a 30736  
resolution levying a tax under this division to provide that the 30737  
revenue from the tax shall be used by the board as described in 30738  
division (H) of section 307.695 of the Revised Code, in which case 30739  
the tax shall remain in effect at the rate at which it was imposed 30740  
for the duration of any agreement entered into by the board under 30741  
section 307.695 of the Revised Code, the duration during which any 30742  
securities issued by the board under that section are outstanding, 30743  
or the duration of the period during which the board owns a 30744  
project as defined in section 307.695 of the Revised Code, 30745  
whichever duration is longest. 30746

The board of county commissioners of an eligible county as 30747  
defined in section 307.678 of the Revised Code may, by resolution, 30748  
amend a resolution levying a tax under this division to provide 30749  
that revenue from the tax, not to exceed five hundred thousand 30750  
dollars each year, may be used as described in division (D) of 30751  
section 307.678 of the Revised Code. 30752

(2) A board of county commissioners that levies an excise tax 30753  
under division (A)(1) of this section on June 30, 1997, at a rate 30754

of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of

three per cent may, by resolution adopted not later than 30788  
forty-five days after March 18, 1999, amend the resolution levying 30789  
the tax to provide for all of the following: 30790

(a) That the rate of the tax shall be increased by not more 30791  
than an additional four per cent on each transaction; 30792

(b) That all of the revenue from the increase in the rate 30793  
shall be pledged and contributed to a convention facilities 30794  
authority established by the board of county commissioners under 30795  
Chapter 351. of the Revised Code on or before November 15, 1998, 30796  
and used to pay costs of constructing, maintaining, operating, and 30797  
promoting a facility in the county, including paying bonds, or 30798  
notes issued in anticipation of bonds, as provided by that 30799  
chapter; 30800

(c) That no portion of the revenue arising from the increase 30801  
in rate need be returned to municipal corporations or townships as 30802  
otherwise required under division (A)(1) of this section; 30803

(d) That the increase in rate shall not be subject to 30804  
diminution by initiative or referendum or by law while any bonds, 30805  
or notes in anticipation of bonds, issued by the authority under 30806  
Chapter 351. of the Revised Code to which the revenue is pledged, 30807  
remain outstanding in accordance with their terms, unless 30808  
provision is made by law or by the board of county commissioners 30809  
for an adequate substitute therefor that is satisfactory to the 30810  
trustee if a trust agreement secures the bonds. 30811

Division (A)(3) of this section does not apply to the board 30812  
of county commissioners of any county in which a convention center 30813  
or facility exists or is being constructed on November 15, 1998, 30814  
or of any county in which a convention facilities authority levies 30815  
a tax pursuant to section 351.021 of the Revised Code on that 30816  
date. 30817

As used in division (A)(3) of this section, "cost" and 30818

"facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(4)(a) A board of county commissioners that levies a tax under division (A)(1) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to provide for all of the following:

(i) That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(iv) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) Any board of county commissioners that, pursuant to 30850  
division (A)(4)(a) of this section, has amended a resolution 30851  
levying the tax authorized by division (A)(1) of this section may 30852  
further amend the resolution to provide that the revenue referred 30853  
to in division (A)(4)(a)(ii) of this section shall be pledged and 30854  
contributed both to a convention facilities authority to pay the 30855  
costs of constructing, expanding, maintaining, or operating one or 30856  
more convention centers in the county, including paying bonds, or 30857  
notes issued in anticipation of bonds, as provided in Chapter 351. 30858  
of the Revised Code, and to a convention and visitors' bureau to 30859  
pay the costs of promoting one or more convention centers in the 30860  
county. 30861

As used in division (A)(4) of this section, "cost" has the 30862  
same meaning as in section 351.01 of the Revised Code, and 30863  
"convention center" has the same meaning as in section 307.695 of 30864  
the Revised Code. 30865

(5)(a) As used in division (A)(5) of this section: 30866

(i) "Port authority" means a port authority created under 30867  
Chapter 4582. of the Revised Code. 30868

(ii) "Port authority military-use facility" means port 30869  
authority facilities on which or adjacent to which is located an 30870  
installation of the armed forces of the United States, a reserve 30871  
component thereof, or the national guard and at least part of 30872  
which is made available for use, for consideration, by the armed 30873  
forces of the United States, a reserve component thereof, or the 30874  
national guard. 30875

(b) For the purpose of contributing revenue to pay operating 30876  
expenses of a port authority that operates a port authority 30877  
military-use facility, the board of county commissioners of a 30878  
county that created, participated in the creation of, or has 30879  
joined such a port authority may do one or both of the following: 30880

(i) Amend a resolution previously adopted under division 30881  
(A)(1) of this section to designate some or all of the revenue 30882  
from the tax levied under the resolution to be used for that 30883  
purpose, notwithstanding that division; 30884

(ii) Amend a resolution previously adopted under division 30885  
(A)(1) of this section to increase the rate of the tax by not more 30886  
than an additional two per cent and use the revenue from the 30887  
increase exclusively for that purpose. 30888

(c) If a board of county commissioners amends a resolution to 30889  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 30890  
of this section, the board also may amend the resolution to 30891  
specify that the increase in rate of the tax does not apply to 30892  
"hotels," as otherwise defined in section 5739.01 of the Revised 30893  
Code, having fewer rooms used for the accommodation of guests than 30894  
a number of rooms specified by the board. 30895

(6) A board of county commissioners of a county organized 30896  
under a county charter adopted pursuant to Article X, Section 3, 30897  
Ohio Constitution, and that levies an excise tax under division 30898  
(A)(1) of this section at a rate of three per cent and levies an 30899  
additional excise tax under division (E) of this section at a rate 30900  
of one and one-half per cent may, by resolution adopted not later 30901  
than January 1, 2008, by a majority of the members of the board, 30902  
amend the resolution levying a tax under division (A)(1) of this 30903  
section to provide for an increase in the rate of that tax by not 30904  
more than an additional one per cent on transactions by which 30905  
lodging by a hotel is or is to be furnished to transient guests. 30906  
Notwithstanding divisions (A)(1) and (E) of this section, the 30907  
resolution shall provide that all of the revenue from the increase 30908  
in rate, after deducting the real and actual costs of 30909  
administering the tax, shall be used to pay the costs of 30910  
improving, expanding, equipping, financing, or operating a 30911  
convention center by a convention and visitors' bureau in the 30912

county. The increase in rate shall remain in effect for the period 30913  
specified in the resolution, not to exceed ten years. The increase 30914  
in rate shall be subject to the regulations adopted under division 30915  
(A)(1) of this section, except that the resolution may provide 30916  
that no portion of the revenue from the increase in the rate shall 30917  
be returned to townships or municipal corporations as would 30918  
otherwise be required under that division. 30919

(7) Division (A)(7) of this section applies only to a county 30920  
with a population greater than sixty-five thousand and less than 30921  
seventy thousand according to the most recent federal decennial 30922  
census and in which, on December 31, 2006, an excise tax is levied 30923  
under division (A)(1) of this section at a rate not less than and 30924  
not greater than three per cent, and in which the most recent 30925  
increase in the rate of that tax was enacted or took effect in 30926  
November 1984. 30927

The board of county commissioners of a county to which this 30928  
division applies, by resolution adopted by a majority of the 30929  
members of the board, may increase the rate of the tax by not more 30930  
than one per cent on transactions by which lodging by a hotel is 30931  
or is to be furnished to transient guests. The increase in rate 30932  
shall be for the purpose of paying expenses deemed necessary by 30933  
the convention and visitors' bureau operating in the county to 30934  
promote travel and tourism. The increase in rate shall remain in 30935  
effect for the period specified in the resolution, not to exceed 30936  
twenty years, provided that the increase in rate may not continue 30937  
beyond the time when the purpose for which the increase is levied 30938  
ceases to exist. If revenue from the increase in rate is pledged 30939  
to the payment of debt charges on securities, the increase in rate 30940  
is not subject to diminution by initiative or referendum or by law 30941  
for so long as the securities are outstanding, unless provision is 30942  
made by law or by the board of county commissioners for an 30943  
adequate substitute for that revenue that is satisfactory to the 30944



trustee if a trust agreement secures payment of the debt charges. 30945  
The increase in rate shall be subject to the regulations adopted 30946  
under division (A)(1) of this section, except that the resolution 30947  
may provide that no portion of the revenue from the increase in 30948  
the rate shall be returned to townships or municipal corporations 30949  
as would otherwise be required under division (A)(1) of this 30950  
section. A resolution adopted under division (A)(7) of this 30951  
section is subject to referendum under sections 305.31 to 305.99 30952  
of the Revised Code. 30953

(B)(1) The legislative authority of a municipal corporation 30954  
or the board of trustees of a township that is not wholly or 30955  
partly located in a county that has in effect a resolution levying 30956  
an excise tax pursuant to division (A)(1) of this section may, by 30957  
ordinance or resolution, levy an excise tax not to exceed three 30958  
per cent on transactions by which lodging by a hotel is or is to 30959  
be furnished to transient guests. The legislative authority of the 30960  
municipal corporation or the board of trustees of the township 30961  
shall deposit at least fifty per cent of the revenue from the tax 30962  
levied pursuant to this division into a separate fund, which shall 30963  
be spent solely to make contributions to convention and visitors' 30964  
bureaus operating within the county in which the municipal 30965  
corporation or township is wholly or partly located, and the 30966  
balance of that revenue shall be deposited in the general fund. 30967  
The municipal corporation or township shall establish all 30968  
regulations necessary to provide for the administration and 30969  
allocation of the tax. The regulations may prescribe the time for 30970  
payment of the tax, and may provide for the imposition of a 30971  
penalty or interest, or both, for late payments, provided that the 30972  
penalty does not exceed ten per cent of the amount of tax due, and 30973  
the rate at which interest accrues does not exceed the rate per 30974  
annum prescribed pursuant to section 5703.47 of the Revised Code. 30975  
The levy of a tax under this division is in addition to any tax 30976  
imposed on the same transaction by a municipal corporation or a 30977

township as authorized by division (A) of section 5739.08 of the Revised Code. 30978  
30979

(2)(a) The legislative authority of the most populous municipal corporation located wholly or partly in a county in which the board of county commissioners has levied a tax under division (A)(4) of this section may amend, on or before September 30, 2002, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for all of the following: 30980  
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(i) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction; 30988  
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(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter; 30990  
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(iii) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds. 30998  
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(b) The legislative authority of a municipal corporation that, pursuant to division (B)(2)(a) of this section, has amended 31007  
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its ordinance or resolution to increase the rate of the tax 31009  
authorized by division (B)(1) of this section may further amend 31010  
the ordinance or resolution to provide that the revenue referred 31011  
to in division (B)(2)(a)(ii) of this section shall be pledged and 31012  
contributed both to a convention facilities authority to pay the 31013  
costs of constructing, expanding, maintaining, or operating one or 31014  
more convention centers in the county, including paying bonds, or 31015  
notes issued in anticipation of bonds, as provided in Chapter 351. 31016  
of the Revised Code, and to a convention and visitors' bureau to 31017  
pay the costs of promoting one or more convention centers in the 31018  
county. 31019

As used in division (B)(2) of this section, "cost" has the 31020  
same meaning as in section 351.01 of the Revised Code, and 31021  
"convention center" has the same meaning as in section 307.695 of 31022  
the Revised Code. 31023

(C) For the purposes described in section 307.695 of the 31024  
Revised Code and to cover the costs of administering the tax, a 31025  
board of county commissioners of a county where a tax imposed 31026  
under division (A)(1) of this section is in effect may, by 31027  
resolution adopted within ninety days after July 15, 1985, by a 31028  
majority of the members of the board, levy an additional excise 31029  
tax not to exceed three per cent on transactions by which lodging 31030  
by a hotel is or is to be furnished to transient guests. The tax 31031  
authorized by this division shall be in addition to any tax that 31032  
is levied pursuant to division (A) of this section, but it shall 31033  
not apply to transactions subject to a tax levied by a municipal 31034  
corporation or township pursuant to the authorization granted by 31035  
division (A) of section 5739.08 of the Revised Code. The board 31036  
shall establish all regulations necessary to provide for the 31037  
administration and allocation of the tax. The regulations may 31038  
prescribe the time for payment of the tax, and may provide for the 31039  
imposition of a penalty or interest, or both, for late payments, 31040

provided that the penalty does not exceed ten per cent of the 31041  
amount of tax due, and the rate at which interest accrues does not 31042  
exceed the rate per annum prescribed pursuant to section 5703.47 31043  
of the Revised Code. All revenues arising from the tax shall be 31044  
expended in accordance with section 307.695 of the Revised Code. 31045  
The board of county commissioners of an eligible county as defined 31046  
in section 307.695 of the Revised Code may, by resolution adopted 31047  
by a majority of the members of the board, amend the resolution 31048  
levying a tax under this division to provide that the revenue from 31049  
the tax shall be used by the board as described in division (H) of 31050  
section 307.695 of the Revised Code. A tax imposed under this 31051  
division shall remain in effect at the rate at which it is imposed 31052  
for the duration of the period during which any agreement entered 31053  
into by the board under section 307.695 of the Revised Code is in 31054  
effect, the duration of the period during which any securities 31055  
issued by the board under division (I) of section 307.695 of the 31056  
Revised Code are outstanding, or the duration of the period during 31057  
which the board owns a project as defined in section 307.695 of 31058  
the Revised Code, whichever duration is longest. 31059

(D) For the purpose of providing contributions under division 31060  
(B)(1) of section 307.671 of the Revised Code to enable the 31061  
acquisition, construction, and equipping of a port authority 31062  
educational and cultural facility in the county and, to the extent 31063  
provided for in the cooperative agreement authorized by that 31064  
section, for the purpose of paying debt service charges on bonds, 31065  
or notes in anticipation of bonds, described in division (B)(1)(b) 31066  
of that section, a board of county commissioners, by resolution 31067  
adopted within ninety days after December 22, 1992, by a majority 31068  
of the members of the board, may levy an additional excise tax not 31069  
to exceed one and one-half per cent on transactions by which 31070  
lodging by a hotel is or is to be furnished to transient guests. 31071  
The excise tax authorized by this division shall be in addition to 31072  
any tax that is levied pursuant to divisions (A), (B), and (C) of 31073

this section, to any excise tax levied pursuant to section 5739.08 31074  
of the Revised Code, and to any excise tax levied pursuant to 31075  
section 351.021 of the Revised Code. The board of county 31076  
commissioners shall establish all regulations necessary to provide 31077  
for the administration and allocation of the tax that are not 31078  
inconsistent with this section or section 307.671 of the Revised 31079  
Code. The regulations may prescribe the time for payment of the 31080  
tax, and may provide for the imposition of a penalty or interest, 31081  
or both, for late payments, provided that the penalty does not 31082  
exceed ten per cent of the amount of tax due, and the rate at 31083  
which interest accrues does not exceed the rate per annum 31084  
prescribed pursuant to section 5703.47 of the Revised Code. All 31085  
revenues arising from the tax shall be expended in accordance with 31086  
section 307.671 of the Revised Code and division (D) of this 31087  
section. The levy of a tax imposed under this division may not 31088  
commence prior to the first day of the month next following the 31089  
execution of the cooperative agreement authorized by section 31090  
307.671 of the Revised Code by all parties to that agreement. The 31091  
tax shall remain in effect at the rate at which it is imposed for 31092  
the period of time described in division (C) of section 307.671 of 31093  
the Revised Code for which the revenue from the tax has been 31094  
pledged by the county to the corporation pursuant to that section, 31095  
but, to any extent provided for in the cooperative agreement, for 31096  
no lesser period than the period of time required for payment of 31097  
the debt service charges on bonds, or notes in anticipation of 31098  
bonds, described in division (B)(1)(b) of that section. 31099

(E) For the purpose of paying the costs of acquiring, 31100  
constructing, equipping, and improving a municipal educational and 31101  
cultural facility, including debt service charges on bonds 31102  
provided for in division (B) of section 307.672 of the Revised 31103  
Code, and for any additional purposes determined by the county in 31104  
the resolution levying the tax or amendments to the resolution, 31105  
including subsequent amendments providing for paying costs of 31106

acquiring, constructing, renovating, rehabilitating, equipping, 31107  
and improving a port authority educational and cultural performing 31108  
arts facility, as defined in section 307.674 of the Revised Code, 31109  
and including debt service charges on bonds provided for in 31110  
division (B) of section 307.674 of the Revised Code, the 31111  
legislative authority of a county, by resolution adopted within 31112  
ninety days after June 30, 1993, by a majority of the members of 31113  
the legislative authority, may levy an additional excise tax not 31114  
to exceed one and one-half per cent on transactions by which 31115  
lodging by a hotel is or is to be furnished to transient guests. 31116  
The excise tax authorized by this division shall be in addition to 31117  
any tax that is levied pursuant to divisions (A), (B), (C), and 31118  
(D) of this section, to any excise tax levied pursuant to section 31119  
5739.08 of the Revised Code, and to any excise tax levied pursuant 31120  
to section 351.021 of the Revised Code. The legislative authority 31121  
of the county shall establish all regulations necessary to provide 31122  
for the administration and allocation of the tax. The regulations 31123  
may prescribe the time for payment of the tax, and may provide for 31124  
the imposition of a penalty or interest, or both, for late 31125  
payments, provided that the penalty does not exceed ten per cent 31126  
of the amount of tax due, and the rate at which interest accrues 31127  
does not exceed the rate per annum prescribed pursuant to section 31128  
5703.47 of the Revised Code. All revenues arising from the tax 31129  
shall be expended in accordance with section 307.672 of the 31130  
Revised Code and this division. The levy of a tax imposed under 31131  
this division shall not commence prior to the first day of the 31132  
month next following the execution of the cooperative agreement 31133  
authorized by section 307.672 of the Revised Code by all parties 31134  
to that agreement. The tax shall remain in effect at the rate at 31135  
which it is imposed for the period of time determined by the 31136  
legislative authority of the county. That period of time shall not 31137  
exceed fifteen years, except that the legislative authority of a 31138  
county with a population of less than two hundred fifty thousand 31139

according to the most recent federal decennial census, by 31140  
resolution adopted by a majority of its members before the 31141  
original tax expires, may extend the duration of the tax for an 31142  
additional period of time. The additional period of time by which 31143  
a legislative authority extends a tax levied under this division 31144  
shall not exceed fifteen years. 31145

(F) The legislative authority of a county that has levied a 31146  
tax under division (E) of this section may, by resolution adopted 31147  
within one hundred eighty days after January 4, 2001, by a 31148  
majority of the members of the legislative authority, amend the 31149  
resolution levying a tax under that division to provide for the 31150  
use of the proceeds of that tax, to the extent that it is no 31151  
longer needed for its original purpose as determined by the 31152  
parties to a cooperative agreement amendment pursuant to division 31153  
(D) of section 307.672 of the Revised Code, to pay costs of 31154  
acquiring, constructing, renovating, rehabilitating, equipping, 31155  
and improving a port authority educational and cultural performing 31156  
arts facility, including debt service charges on bonds provided 31157  
for in division (B) of section 307.674 of the Revised Code, and to 31158  
pay all obligations under any guaranty agreements, reimbursement 31159  
agreements, or other credit enhancement agreements described in 31160  
division (C) of section 307.674 of the Revised Code. The 31161  
resolution may also provide for the extension of the tax at the 31162  
same rate for the longer of the period of time determined by the 31163  
legislative authority of the county, but not to exceed an 31164  
additional twenty-five years, or the period of time required to 31165  
pay all debt service charges on bonds provided for in division (B) 31166  
of section 307.672 of the Revised Code and on port authority 31167  
revenue bonds provided for in division (B) of section 307.674 of 31168  
the Revised Code. All revenues arising from the amendment and 31169  
extension of the tax shall be expended in accordance with section 31170  
307.674 of the Revised Code, this division, and division (E) of 31171  
this section. 31172

(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or section 5739.08 of the Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes the following:

(1) Establishments in which fewer than five rooms are used for the accommodation of guests.

(2) Establishments at which rooms are used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry; and, in determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under the same ownership and the structures are not identified in advertisements of the accommodations as distinct establishments. For the purposes of division (G)(2) of this section, two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

(H)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as



in section 351.01 of the Revised Code. 31204

(b) "Convention center" has the same meaning as in section 31205  
307.695 of the Revised Code. 31206

(2) Notwithstanding any contrary provision of division (D) of 31207  
this section, the legislative authority of a county with a 31208  
population of one million or more according to the most recent 31209  
federal decennial census that has levied a tax under division (D) 31210  
of this section may, by resolution adopted by a majority of the 31211  
members of the legislative authority, provide for the extension of 31212  
such levy and may provide that the proceeds of that tax, to the 31213  
extent that they are no longer needed for their original purpose 31214  
as defined by a cooperative agreement entered into under section 31215  
307.671 of the Revised Code, shall be deposited into the county 31216  
general revenue fund. The resolution shall provide for the 31217  
extension of the tax at a rate not to exceed the rate specified in 31218  
division (D) of this section for a period of time determined by 31219  
the legislative authority of the county, but not to exceed an 31220  
additional forty years. 31221

(3) The legislative authority of a county with a population 31222  
of one million or more that has levied a tax under division (A)(1) 31223  
of this section may, by resolution adopted by a majority of the 31224  
members of the legislative authority, increase the rate of the tax 31225  
levied by such county under division (A)(1) of this section to a 31226  
rate not to exceed five per cent on transactions by which lodging 31227  
by a hotel is or is to be furnished to transient guests. 31228  
Notwithstanding any contrary provision of division (A)(1) of this 31229  
section, the resolution may provide that all collections resulting 31230  
from the rate levied in excess of three per cent, after deducting 31231  
the real and actual costs of administering the tax, shall be 31232  
deposited in the county general fund. 31233

(4) The legislative authority of a county with a population 31234  
of one million or more that has levied a tax under division (A)(1) 31235

of this section may, by resolution adopted on or before August 30, 31236  
2004, by a majority of the members of the legislative authority, 31237  
provide that all or a portion of the proceeds of the tax levied 31238  
under division (A)(1) of this section, after deducting the real 31239  
and actual costs of administering the tax and the amounts required 31240  
to be returned to townships and municipal corporations with 31241  
respect to the first three per cent levied under division (A)(1) 31242  
of this section, shall be deposited in the county general fund, 31243  
provided that such proceeds shall be used to satisfy any pledges 31244  
made in connection with an agreement entered into under section 31245  
307.695 of the Revised Code. 31246

(5) No amount collected from a tax levied, extended, or 31247  
required to be deposited in the county general fund under division 31248  
(H) of this section shall be contributed to a convention 31249  
facilities authority, corporation, or other entity created after 31250  
July 1, 2003, for the principal purpose of constructing, 31251  
improving, expanding, equipping, financing, or operating a 31252  
convention center unless the mayor of the municipal corporation in 31253  
which the convention center is to be operated by that convention 31254  
facilities authority, corporation, or other entity has consented 31255  
to the creation of that convention facilities authority, 31256  
corporation, or entity. Notwithstanding any contrary provision of 31257  
section 351.04 of the Revised Code, if a tax is levied by a county 31258  
under division (H) of this section, the board of county 31259  
commissioners of that county may determine the manner of 31260  
selection, the qualifications, the number, and terms of office of 31261  
the members of the board of directors of any convention facilities 31262  
authority, corporation, or other entity described in division 31263  
(H)(5) of this section. 31264

(6)(a) No amount collected from a tax levied, extended, or 31265  
required to be deposited in the county general fund under division 31266  
(H) of this section may be used for any purpose other than paying 31267

the direct and indirect costs of constructing, improving, 31268  
expanding, equipping, financing, or operating a convention center 31269  
and for the real and actual costs of administering the tax, 31270  
unless, prior to the adoption of the resolution of the legislative 31271  
authority of the county authorizing the levy, extension, increase, 31272  
or deposit, the county and the mayor of the most populous 31273  
municipal corporation in that county have entered into an 31274  
agreement as to the use of such amounts, provided that such 31275  
agreement has been approved by a majority of the mayors of the 31276  
other municipal corporations in that county. The agreement shall 31277  
provide that the amounts to be used for purposes other than paying 31278  
the convention center or administrative costs described in 31279  
division (H)(6)(a) of this section be used only for the direct and 31280  
indirect costs of capital improvements, including the financing of 31281  
capital improvements. 31282

(b) If the county in which the tax is levied has an 31283  
association of mayors and city managers, the approval of that 31284  
association of an agreement described in division (H)(6)(a) of 31285  
this section shall be considered to be the approval of the 31286  
majority of the mayors of the other municipal corporations for 31287  
purposes of that division. 31288

(7) Each year, the auditor of state shall conduct an audit of 31289  
the uses of any amounts collected from taxes levied, extended, or 31290  
deposited under division (H) of this section and shall prepare a 31291  
report of the auditor of state's findings. The auditor of state 31292  
shall submit the report to the legislative authority of the county 31293  
that has levied, extended, or deposited the tax, the speaker of 31294  
the house of representatives, the president of the senate, and the 31295  
leaders of the minority parties of the house of representatives 31296  
and the senate. 31297

(I)(1) As used in this division: 31298

(a) "Convention facilities authority" has the same meaning as 31299

in section 351.01 of the Revised Code. 31300

(b) "Convention center" has the same meaning as in section 31301  
307.695 of the Revised Code. 31302

(2) Notwithstanding any contrary provision of division (D) of 31303  
this section, the legislative authority of a county with a 31304  
population of one million two hundred thousand or more according 31305  
to the most recent federal decennial census or the most recent 31306  
annual population estimate published or released by the United 31307  
States census bureau at the time the resolution is adopted placing 31308  
the levy on the ballot, that has levied a tax under division (D) 31309  
of this section may, by resolution adopted by a majority of the 31310  
members of the legislative authority, provide for the extension of 31311  
such levy and may provide that the proceeds of that tax, to the 31312  
extent that the proceeds are no longer needed for their original 31313  
purpose as defined by a cooperative agreement entered into under 31314  
section 307.671 of the Revised Code and after deducting the real 31315  
and actual costs of administering the tax, shall be used for 31316  
paying the direct and indirect costs of constructing, improving, 31317  
expanding, equipping, financing, or operating a convention center. 31318  
The resolution shall provide for the extension of the tax at a 31319  
rate not to exceed the rate specified in division (D) of this 31320  
section for a period of time determined by the legislative 31321  
authority of the county, but not to exceed an additional forty 31322  
years. 31323

(3) The legislative authority of a county with a population 31324  
of one million two hundred thousand or more that has levied a tax 31325  
under division (A)(1) of this section may, by resolution adopted 31326  
by a majority of the members of the legislative authority, 31327  
increase the rate of the tax levied by such county under division 31328  
(A)(1) of this section to a rate not to exceed five per cent on 31329  
transactions by which lodging by a hotel is or is to be furnished 31330  
to transient guests. Notwithstanding any contrary provision of 31331

division (A)(1) of this section, the resolution shall provide that 31332  
all collections resulting from the rate levied in excess of three 31333  
per cent, after deducting the real and actual costs of 31334  
administering the tax, shall be used for paying the direct and 31335  
indirect costs of constructing, improving, expanding, equipping, 31336  
financing, or operating a convention center. 31337

(4) The legislative authority of a county with a population 31338  
of one million two hundred thousand or more that has levied a tax 31339  
under division (A)(1) of this section may, by resolution adopted 31340  
on or before July 1, 2008, by a majority of the members of the 31341  
legislative authority, provide that all or a portion of the 31342  
proceeds of the tax levied under division (A)(1) of this section, 31343  
after deducting the real and actual costs of administering the tax 31344  
and the amounts required to be returned to townships and municipal 31345  
corporations with respect to the first three per cent levied under 31346  
division (A)(1) of this section, shall be used to satisfy any 31347  
pledges made in connection with an agreement entered into under 31348  
section 307.695 of the Revised Code or shall otherwise be used for 31349  
paying the direct and indirect costs of constructing, improving, 31350  
expanding, equipping, financing, or operating a convention center. 31351

(5) Any amount collected from a tax levied or extended under 31352  
division (I) of this section may be contributed to a convention 31353  
facilities authority created before July 1, 2005, but no amount 31354  
collected from a tax levied or extended under division (I) of this 31355  
section may be contributed to a convention facilities authority, 31356  
corporation, or other entity created after July 1, 2005, unless 31357  
the mayor of the municipal corporation in which the convention 31358  
center is to be operated by that convention facilities authority, 31359  
corporation, or other entity has consented to the creation of that 31360  
convention facilities authority, corporation, or entity. 31361

(J) All (1) Except as provided in division (J)(2) of this 31362  
section, money collected by a county and distributed under this 31363

section to a convention and visitors' bureau in existence as of 31364  
June 30, 2013, the effective date of H.B. 59 of the 130th general 31365  
assembly, except for any such money pledged, as of that effective 31366  
date, to the payment of debt service charges on bonds, notes, 31367  
securities, or lease agreements, shall be used solely for tourism 31368  
sales, marketing and promotion, and their associated costs, 31369  
including, but not limited to, operational and administrative 31370  
costs of the bureau, sales and marketing, and maintenance of the 31371  
physical bureau structure. 31372

(2) A convention and visitors' bureau that has entered into 31373  
an agreement under section 307.678 of the Revised Code may use 31374  
revenue it receives from a tax levied under division (A)(1) of 31375  
this section as described in division (D) of section 307.678 of 31376  
the Revised Code. 31377

(K) The board of county commissioners of a county with a 31378  
population between one hundred three thousand and one hundred 31379  
seven thousand according to the most recent federal decennial 31380  
census, by resolution adopted by a majority of the members of the 31381  
board within six months after the effective date of H.B. 483 of 31382  
the 130th general assembly, may levy a tax not to exceed three per 31383  
cent on transactions by which a hotel is or is to be furnished to 31384  
transient guests. The purpose of the tax shall be to pay the costs 31385  
of expanding, maintaining, or operating a soldiers' memorial and 31386  
the costs of administering the tax. All revenue arising from the 31387  
tax shall be credited to one or more special funds in the county 31388  
treasury and shall be spent solely for the purposes of paying 31389  
those costs. The board of county commissioners shall adopt all 31390  
rules necessary to provide for the administration of the tax 31391  
subject to the same limitations on imposing penalty or interest 31392  
under division (A)(1) of this section. 31393

As used in this division "soldiers' memorial" means a 31394  
memorial constructed and funded under Chapter 345. of the Revised 31395

Code. 31396

**Sec. 5747.02.** (A) For the purpose of providing revenue for 31397  
 the support of schools and local government functions, to provide 31398  
 relief to property taxpayers, to provide revenue for the general 31399  
 revenue fund, and to meet the expenses of administering the tax 31400  
 levied by this chapter, there is hereby levied on every 31401  
 individual, trust, and estate residing in or earning or receiving 31402  
 income in this state, on every individual, trust, and estate 31403  
 earning or receiving lottery winnings, prizes, or awards pursuant 31404  
 to Chapter 3770. of the Revised Code, on every individual, trust, 31405  
 and estate earning or receiving winnings on casino gaming, and on 31406  
 every individual, trust, and estate otherwise having nexus with or 31407  
 in this state under the Constitution of the United States, an 31408  
 annual tax measured in the case of individuals by Ohio adjusted 31409  
 gross income less an exemption for the taxpayer, the taxpayer's 31410  
 spouse, and each dependent as provided in section 5747.025 of the 31411  
 Revised Code; measured in the case of trusts by modified Ohio 31412  
 taxable income under division (D) of this section; and measured in 31413  
 the case of estates by Ohio taxable income. The tax imposed by 31414  
 this section on the balance thus obtained is hereby levied as 31415  
 follows: 31416

(1) For taxable years beginning in 2004: 31417

OHIO ADJUSTED GROSS INCOME LESS 31418

EXEMPTIONS (INDIVIDUALS)

OR 31419

MODIFIED OHIO 31420

TAXABLE INCOME (TRUSTS) 31421

OR 31422

OHIO TAXABLE INCOME (ESTATES) TAX 31423

\$5,000 or less .743% 31424

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 31425

than \$10,000	in excess of \$5,000	
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	31426
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	31427
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	31428
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	31429
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	31430
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	31431
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	31432
(2) For taxable years beginning in 2005:		31433
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		31434
OR		31435
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		31436
OR		31437
OHIO TAXABLE INCOME (ESTATES)	TAX	31438
\$5,000 or less	.712%	31439
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	31440
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	31441
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	31442
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	31443
More than \$40,000 but not more	\$1,281.10 plus 4.983% of the	31444
		31445



than \$80,000	amount in excess of \$40,000	
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	31446
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	31447
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	31448
(3) For taxable years beginning in 2006:		31449
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		31450
OR		31451
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		31452
OR		31453
OHIO TAXABLE INCOME (ESTATES)		31454
	TAX	31455
\$5,000 or less	.681%	31456
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	31457
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	31458
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	31459
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	31460
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	31461
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	31462
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	31463
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	31464
(4) For taxable years beginning in 2007:		31465

OHIO ADJUSTED GROSS INCOME LESS		31466
EXEMPTIONS (INDIVIDUALS)		
OR		31467
MODIFIED OHIO		31468
TAXABLE INCOME (TRUSTS)		31469
OR		31470
OHIO TAXABLE INCOME (ESTATES)	TAX	31471
\$5,000 or less	.649%	31472
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	31473
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	31474
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	31475
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	31476
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	31477
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	31478
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	31479
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	31480
(5) For taxable years beginning in 2008, 2009, or 2010:		31481
OHIO ADJUSTED GROSS INCOME LESS		31482
EXEMPTIONS (INDIVIDUALS)		
OR		31483
MODIFIED OHIO		31484
TAXABLE INCOME (TRUSTS)		31485
OR		31486
OHIO TAXABLE INCOME (ESTATES)	TAX	31487
\$5,000 or less	.618%	31488

More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	31489
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	31490
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	31491
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	31492
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	31493
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	31494
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	31495
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	31496
(6) For taxable years beginning in 2011 or 2012:		31497
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		31498
OR		31499
MODIFIED OHIO		31500
TAXABLE INCOME (TRUSTS)		31501
OR		31502
OHIO TAXABLE INCOME (ESTATES)	TAX	31503
\$5,000 or less	.587%	31504
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	31505
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	31506
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	31507
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	31508

More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	31509
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	31510
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	31511
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	31512
(7) For taxable years beginning in 2013:		31513
OHIO ADJUSTED GROSS INCOME LESS		31514
EXEMPTIONS (INDIVIDUALS)		
OR		31515
MODIFIED OHIO		31516
TAXABLE INCOME (TRUSTS)		31517
OR		31518
OHIO TAXABLE INCOME (ESTATES)	TAX	31519
\$5,000 or less	.537%	31520
More than \$5,000 but not more than \$10,000	\$26.86 plus 1.074% of the amount in excess of \$5,000	31521
More than \$10,000 but not more than \$15,000	\$80.57 plus 2.148% of the amount in excess of \$10,000	31522
More than \$15,000 but not more than \$20,000	\$187.99 plus 2.686% of the amount in excess of \$15,000	31523
More than \$20,000 but not more than \$40,000	\$322.26 plus 3.222% of the amount in excess of \$20,000	31524
More than \$40,000 but not more than \$80,000	\$966.61 plus 3.760% of the amount in excess of \$40,000	31525
More than \$80,000 but not more than \$100,000	\$2,470.50 plus 4.296% of the amount in excess of \$80,000	31526
More than \$100,000 but not more than \$200,000	\$3,329.68 plus 4.988% of the amount in excess of \$100,000	31527
More than \$200,000	\$8,317.35 plus 5.421% of the amount in excess of \$200,000	31528

(8) For taxable years beginning in 2014 <u>or thereafter</u> :	31529
OHIO ADJUSTED GROSS INCOME LESS	31530
EXEMPTIONS (INDIVIDUALS)	
OR	31531
MODIFIED OHIO	31532
TAXABLE INCOME (TRUSTS)	31533
OR	31534
OHIO TAXABLE INCOME (ESTATES)	TAX 31535
<del>\$5,000 or less</del>	<del>.534%</del> 31536
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$26.71 plus 1.068% of the amount in excess of \$5,000</del> 31537
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$80.13 plus 2.137% of the amount in excess of \$10,000</del> 31538
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$186.96 plus 2.671% of the amount in excess of \$15,000</del> 31539
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$320.50 plus 3.204% of the amount in excess of \$20,000</del> 31540
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$961.32 plus 3.739% of the amount in excess of \$40,000</del> 31541
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,457.00 plus 4.272% of the amount in excess of \$80,000</del> 31542
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,311.49 plus 4.960% of the amount in excess of \$100,000</del> 31543
<del>More than \$200,000</del>	<del>\$8,271.90 plus 5.392% of the amount in excess of \$200,000</del> 31544
<del>(9) For taxable years beginning in 2015 or thereafter:</del>	31545
<del>OHIO ADJUSTED GROSS INCOME LESS</del>	31546
<del>EXEMPTIONS (INDIVIDUALS)</del>	
<del>    OR</del>	31547
<del>    MODIFIED OHIO</del>	31548
<del>    TAXABLE INCOME (TRUSTS)</del>	31549
<del>    OR</del>	31550

<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	
\$5,000 or less	.528%	31551
More than \$5,000 but not more than \$10,000	\$26.41 plus 1.057% of the amount in excess of \$5,000	31552
More than \$10,000 but not more than \$15,000	\$79.24 plus 2.113% of the amount in excess of \$10,000	31553
More than \$15,000 but not more than \$20,000	\$184.90 plus 2.642% of the amount in excess of \$15,000	31554
More than \$20,000 but not more than \$40,000	\$316.98 plus 3.169% of the amount in excess of \$20,000	31555
More than \$40,000 but not more than \$80,000	\$950.76 plus 3.698% of the amount in excess of \$40,000	31556
More than \$80,000 but not more than \$100,000	\$2,430.00 plus 4.226% of the amount in excess of \$80,000	31557
More than \$100,000 but not more than \$200,000	\$3,275.10 plus 4.906% of the amount in excess of \$100,000	31558
More than \$200,000	\$8,181.00 plus 5.333% of the amount in excess of \$200,000	31559

Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable

years beginning in each ensuing calendar year until a calendar 31576  
year in which a new adjustment is made pursuant to this division. 31577  
The tax commissioner shall not make a new adjustment in any year 31578  
in which the amount resulting from the adjustment would be less 31579  
than the amount resulting from the adjustment in the preceding 31580  
year. The commissioner shall not make a new adjustment for taxable 31581  
years beginning in 2013, 2014, or 2015. 31582

(B) If the director of budget and management makes a 31583  
certification to the tax commissioner under division (B) of 31584  
section 131.44 of the Revised Code, the amount of tax as 31585  
determined under division (A) of this section shall be reduced by 31586  
the percentage prescribed in that certification for taxable years 31587  
beginning in the calendar year in which that certification is 31588  
made. 31589

(C) The levy of this tax on income does not prevent a 31590  
municipal corporation, a joint economic development zone created 31591  
under section 715.691, or a joint economic development district 31592  
created under section 715.70 or 715.71 or sections 715.72 to 31593  
715.81 of the Revised Code from levying a tax on income. 31594

(D) This division applies only to taxable years of a trust 31595  
beginning in 2002 or thereafter. 31596

(1) The tax imposed by this section on a trust shall be 31597  
computed by multiplying the Ohio modified taxable income of the 31598  
trust by the rates prescribed by division (A) of this section. 31599

(2) A resident trust may claim a credit against the tax 31600  
computed under division (D) of this section equal to the lesser of 31601  
(1) the tax paid to another state or the District of Columbia on 31602  
the resident trust's modified nonbusiness income, other than the 31603  
portion of the resident trust's nonbusiness income that is 31604  
qualifying investment income as defined in section 5747.012 of the 31605  
Revised Code, or (2) the effective tax rate, based on modified 31606

Ohio taxable income, multiplied by the resident trust's modified 31607  
nonbusiness income other than the portion of the resident trust's 31608  
nonbusiness income that is qualifying investment income. The 31609  
credit applies before any other applicable credits. 31610

(3) The credits enumerated in divisions (A)(1) to (13) of 31611  
section 5747.98 of the Revised Code do not apply to a trust 31612  
subject to division (D) of this section. Any credits enumerated in 31613  
other divisions of section 5747.98 of the Revised Code apply to a 31614  
trust subject to division (D) of this section. To the extent that 31615  
the trust distributes income for the taxable year for which a 31616  
credit is available to the trust, the credit shall be shared by 31617  
the trust and its beneficiaries. The tax commissioner and the 31618  
trust shall be guided by applicable regulations of the United 31619  
States treasury regarding the sharing of credits. 31620

(E) For the purposes of this section, "trust" means any trust 31621  
described in Subchapter J of Chapter 1 of the Internal Revenue 31622  
Code, excluding trusts that are not irrevocable as defined in 31623  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 31624  
have no modified Ohio taxable income for the taxable year, 31625  
charitable remainder trusts, qualified funeral trusts and preneed 31626  
funeral contract trusts established pursuant to sections 4717.31 31627  
to 4717.38 of the Revised Code that are not qualified funeral 31628  
trusts, endowment and perpetual care trusts, qualified settlement 31629  
trusts and funds, designated settlement trusts and funds, and 31630  
trusts exempted from taxation under section 501(a) of the Internal 31631  
Revenue Code. 31632

**Sec. 5747.025.** (A) ~~Except as otherwise provided in this~~ 31633  
~~division~~ For taxable years beginning in 2014 or 2015, the personal 31634  
exemption for the taxpayer ~~and,~~ the taxpayer's spouse, and each 31635  
dependent shall be ~~seven hundred fifty dollars each for the~~ 31636  
~~taxable year beginning in 1996, eight hundred fifty dollars each~~ 31637



~~for the taxable year beginning in 1997, nine hundred fifty dollars~~ 31638  
~~each for the taxable year beginning in 1998, and one thousand~~ 31639  
~~fifty dollars each for the taxable year beginning in 1999 and~~ 31640  
~~taxable years beginning after 1999. The one of the following~~ 31641  
~~amounts:~~ 31642

(1) Two thousand two hundred dollars if the taxpayer's Ohio 31643  
adjusted gross income for the taxable year as shown on an 31644  
individual or joint annual return is less than or equal to forty 31645  
thousand dollars; 31646

(2) One thousand nine hundred fifty dollars if the taxpayer's 31647  
Ohio adjusted gross income for the taxable year as shown on an 31648  
individual or joint annual return is greater than forty thousand 31649  
dollars but less than or equal to eighty thousand dollars; 31650

(3) One thousand seven hundred dollars if the taxpayer's Ohio 31651  
adjusted gross income for the taxable year as shown on an 31652  
individual or joint annual return is greater than eighty thousand 31653  
dollars. 31654

(B) For taxable years beginning in 2016 and thereafter, the 31655  
~~personal exemption amount~~ amounts ~~prescribed in this division for~~ 31656  
~~taxable years beginning after 1999~~ (A) of this section shall be 31657  
adjusted each year in the manner prescribed in division (C) of 31658  
this section. In the case of an individual with respect to whom an 31659  
exemption under section 5747.02 of the Revised Code is allowable 31660  
to another taxpayer for a taxable year beginning in the calendar 31661  
year in which the individual's taxable year begins, the exemption 31662  
amount applicable to such individual for such individual's taxable 31663  
year shall be zero. 31664

~~(B) The personal exemption for each dependent shall be eight~~ 31665  
~~hundred fifty dollars for the taxable year beginning in 1996, and~~ 31666  
~~one thousand fifty dollars for the taxable year beginning in 1997~~ 31667  
~~and taxable years beginning after 1997. The personal exemption~~ 31668

~~amount prescribed in this division for taxable years beginning 31669  
after 1999 shall be adjusted each year in the manner prescribed in 31670  
division (C) of this section. 31671~~

(C) Except as otherwise provided in this division, in August 31672  
of each year, the tax commissioner shall determine the percentage 31673  
increase in the gross domestic product deflator determined by the 31674  
bureau of economic analysis of the United States department of 31675  
commerce from the first day of January of the preceding calendar 31676  
year to the last day of December of the preceding year, and make a 31677  
new adjustment to the personal exemption amount for taxable years 31678  
beginning in the current calendar year by multiplying that amount 31679  
by the percentage increase in the gross domestic product deflator 31680  
for that period; adding the resulting product to the personal 31681  
exemption amount for taxable years beginning in the preceding 31682  
calendar year; and rounding the resulting sum upward to the 31683  
nearest multiple of fifty dollars. The adjusted amount applies to 31684  
taxable years beginning in the calendar year in which the 31685  
adjustment is made and to taxable years beginning in each ensuing 31686  
calendar year until a calendar year in which a new adjustment is 31687  
made pursuant to this division. The commissioner shall not make a 31688  
new adjustment in any calendar year in which the amount resulting 31689  
from the adjustment would be less than the amount resulting from 31690  
the adjustment in the preceding calendar year. ~~The commissioner 31691  
shall not make a new adjustment for taxable years beginning in 31692  
2013, 2014, or 2015. 31693~~

**Sec. 5747.50.** (A) As used in this section: 31694

(1) "County's proportionate share of the calendar year 2007 31695  
LGF and LGRAF distributions" means the percentage computed for the 31696  
county under division (B)(1)(a) of section 5747.501 of the Revised 31697  
Code. 31698

(2) "County's proportionate share of the total amount of the 31699

local government fund additional revenue formula" means each 31700  
county's proportionate share of the state's population as 31701  
determined for and certified to the county for distributions to be 31702  
made during the current calendar year under division (B)(2)(a) of 31703  
section 5747.501 of the Revised Code. If prior to the first day of 31704  
January of the current calendar year the federal government has 31705  
issued a revision to the population figures reflected in the 31706  
estimate produced pursuant to division (B)(2)(a) of section 31707  
5747.501 of the Revised Code, such revised population figures 31708  
shall be used for making the distributions during the current 31709  
calendar year. 31710

(3) "2007 LGF and LGRAF county distribution base available in 31711  
that month" means the lesser of the amounts described in division 31712  
(A)(3)(a) and (b) of this section, provided that the amount shall 31713  
not be less than zero: 31714

(a) The total amount available for distribution to counties 31715  
from the local government fund during the current month. 31716

(b) The total amount distributed to counties from the local 31717  
government fund and the local government revenue assistance fund 31718  
to counties in calendar year 2007 less the total amount 31719  
distributed to counties under division (B)(1) of this section 31720  
during previous months of the current calendar year. 31721

(4) "Local government fund additional revenue distribution 31722  
base available during that month" means the total amount available 31723  
for distribution to counties during the month from the local 31724  
government fund, less any amounts to be distributed in that month 31725  
from the local government fund under division (B)(1) of this 31726  
section, provided that the local government fund additional 31727  
revenue distribution base available during that month shall not be 31728  
less than zero. 31729

(5) "Total amount available for distribution to counties" 31730

means the total amount available for distribution from the local government fund during the current month less the total amount available for distribution to municipal corporations during the current month under division (C) of this section.

(B) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county an amount equal to the sum of:

(1) The county's proportionate share of the calendar year 2007 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided that if the 2007 LGF and LGRAF county distribution base available in that month is zero, no payment shall be made under division (B)(1) of this section for the month or the remainder of the calendar year; and

(2) The county's proportionate share of the total amount of the local government fund additional revenue formula multiplied by the local government fund additional revenue distribution base available during that month.

Money received into the treasury of a county under this division shall be credited to the undivided local government fund in the treasury of the county on or before the fifteenth day of each month. On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local government fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein.

(C)(1) As used in division (C) of this section:

(a) "Total amount available for distribution to municipalities during the current month" means the product obtained by multiplying the total amount available for

distribution from the local government fund during the current 31762  
month by the aggregate municipal share. 31763

(b) "Aggregate municipal share" means the quotient obtained 31764  
by dividing the total amount distributed directly from the local 31765  
government fund to municipal corporations during calendar year 31766  
2007 by the total distributions from the local government fund and 31767  
local government revenue assistance fund during calendar year 31768  
2007. 31769

(2) On or before the tenth day of each month, the tax 31770  
commissioner shall provide for payment from the local government 31771  
fund to each municipal corporation an amount equal to the product 31772  
derived by multiplying the municipal corporation's percentage of 31773  
the total amount distributed to all such municipal corporations 31774  
under this division during calendar year 2007 by the total amount 31775  
available for distribution to municipal corporations during the 31776  
current month. 31777

(3) Payments received by a municipal corporation under this 31778  
division shall be paid into its general fund and may be used for 31779  
any lawful purpose. 31780

(4) The amount distributed to municipal corporations under 31781  
this division during any calendar year shall not exceed the amount 31782  
distributed directly from the local government fund to municipal 31783  
corporations during calendar year 2007. If that maximum amount is 31784  
reached during any month, distributions to municipal corporations 31785  
in that month shall be as provided in divisions (C)(1) and (2) of 31786  
this section, but no further distributions shall be made to 31787  
municipal corporations under division (C) of this section during 31788  
the remainder of the calendar year. 31789

(5) Upon being informed of a municipal corporation's 31790  
dissolution, the tax commissioner shall cease providing for 31791  
payments to that municipal corporation under division (C) of this 31792

section. The proportionate shares of the total amount available 31793  
for distribution to each of the remaining municipal corporations 31794  
under this division shall be increased on a pro rata basis. 31795

(D) Each municipal corporation ~~which has in effect a tax~~ 31796  
~~imposed under Chapter 718. of the Revised Code that imposes a tax~~ 31797  
on income shall, no later than the thirty-first day of August of 31798  
each year, certify to the tax commissioner the total amount of 31799  
income taxes collected by ~~such the~~ municipal corporation pursuant 31800  
~~to such chapter~~ during the preceding calendar year, the amount of 31801  
such revenue derived from taxes paid by resident individuals, and 31802  
the amount of such revenue derived from taxes paid by nonresident 31803  
individuals. The commissioner shall publish that information on 31804  
the department of taxation's web site. The tax commissioner may 31805  
withhold payment of local government fund moneys pursuant to 31806  
division (C) of this section from any municipal corporation ~~for~~ 31807  
~~failure that fails~~ to comply with this reporting requirement. 31808

**Sec. 5747.71.** ~~For taxable years beginning on or after January~~ 31809  
~~1, 2013, there~~ There is hereby allowed a nonrefundable credit 31810  
against the tax imposed by section 5747.02 of the Revised Code for 31811  
a taxpayer who is an "eligible individual" as defined in section 31812  
32 of the Internal Revenue Code. The credit shall equal five per 31813  
cent of the credit allowed on the taxpayer's federal income tax 31814  
return pursuant to section 32 of the Internal Revenue Code for ~~the~~ 31815  
taxable year years beginning in 2013, and ten per cent of the 31816  
federal credit allowed for taxable years beginning in or after 31817  
2014. If the Ohio adjusted gross income of the taxpayer, or the 31818  
taxpayer and the taxpayer's spouse if the taxpayer and the 31819  
taxpayer's spouse file a joint return under section 5747.08 of the 31820  
Revised Code, less applicable exemptions under section 5747.025 of 31821  
the Revised Code, exceeds twenty thousand dollars, the credit 31822  
authorized by this section shall not exceed fifty per cent of the 31823  
amount of tax otherwise due under section 5747.02 of the Revised 31824

Code after deducting any other nonrefundable credits that precede 31825  
the credit allowed under this section in the order prescribed by 31826  
section 5747.98 of the Revised Code except for the joint filing 31827  
credit authorized under division (G) of section 5747.05 of the 31828  
Revised Code. In all other cases, the credit authorized by this 31829  
section shall not exceed the amount of tax otherwise due under 31830  
section 5747.02 of the Revised Code after deducting any other 31831  
nonrefundable credits that precede the credit allowed under this 31832  
section in the order prescribed by section 5747.98 of the Revised 31833  
Code. 31834

The credit shall be claimed in the order prescribed by 31835  
section 5747.98 of the Revised Code. 31836

**Section 101.02.** That existing sections 7.10, 7.16, 9.37, 31837  
9.482, 9.90, 9.91, 103.63, 118.27, 121.084, 122.12, 122.121, 31838  
122.861, 124.32, 125.13, 125.182, 126.21, 126.25, 131.35, 133.06, 31839  
133.07, 135.143, 149.311, 149.38, 153.56, 156.03, 163.15, 163.53, 31840  
163.54, 163.55, 164.26, 173.47, 175.04, 175.05, 175.06, 191.01, 31841  
306.04, 307.699, 307.982, 340.01, 340.02, 340.021, 340.03, 340.08, 31842  
340.09, 340.15, 341.12, 757.03, 757.04, 757.05, 757.06, 757.07, 31843  
757.08, 955.01, 955.05, 1321.535, 1321.55, 1322.03, 1322.031, 31844  
1322.04, 1322.041, 1322.051, 1322.06, 1322.11, 1345.06, 1711.50, 31845  
1711.53, 1724.10, 1901.08, 2101.026, 2151.417, 2151.421, 2152.19, 31846  
2305.09, 2710.06, 2743.191, 2907.28, 2915.08, 2929.20, 2945.402, 31847  
3123.89, 3303.41, 3313.372, 3314.08, 3317.02, 3317.0217, 3317.06, 31848  
3318.36, 3358.03, 3517.20, 3701.132, 3701.34, 3701.74, 3701.83, 31849  
3702.511, 3702.52, 3702.526, 3702.59, 3702.71, 3702.74, 3702.75, 31850  
3702.91, 3702.95, 3721.02, 3730.09, 3735.31, 3735.67, 3737.02, 31851  
3745.71, 3772.02, 4141.01, 4141.09, 4141.11, 4141.131, 4141.20, 31852  
4141.25, 4141.29, 4141.35, 4303.021, 4503.102, 4503.44, 4511.191, 31853  
4715.14, 4715.30, 4715.302, 4717.10, 4723.28, 4723.486, 4723.487, 31854  
4725.01, 4725.091, 4725.092, 4725.16, 4725.19, 4729.12, 4729.54, 31855

4729.541, 4729.65, 4729.80, 4729.83, 4729.86, 4730.25, 4730.48, 31856  
4730.53, 4731.055, 4731.15, 4731.155, 4731.22, 4731.24, 4731.241, 31857  
4731.281, 4737.045, 4758.01, 4758.02, 4758.06, 4758.16, 4758.20, 31858  
4758.21, 4758.23, 4758.24, 4758.26, 4758.28, 4758.29, 4758.30, 31859  
4758.31, 4758.35, 4758.36, 4758.50, 4758.51, 4758.55, 4758.561, 31860  
4758.59, 4758.60, 4758.61, 4758.71, 4781.04, 4905.911, 4906.20, 31861  
4906.201, 4923.02, 5104.03, 5104.34, 5104.341, 5104.38, 5119.21, 31862  
5119.22, 5119.23, 5119.25, 5119.40, 5123.01, 5123.011, 5123.012, 31863  
5123.16, 5123.162, 5123.19, 5123.191, 5123.21, 5123.61, 5123.75, 31864  
5123.76, 5123.89, 5124.01, 5124.101, 5124.106, 5124.15, 5124.151, 31865  
5124.17, 5124.19, 5124.21, 5124.28, 5124.38, 5124.60, 5124.61, 31866  
5124.62, 5124.67, 5126.01, 5126.02, 5126.022, 5126.0219, 5126.041, 31867  
5126.046, 5126.051, 5126.08, 5126.21, 5126.25, 5126.42, 5126.43, 31868  
5126.45, 5139.05, 5139.34, 5139.36, 5136.41, 5153.21, 5153.42, 31869  
5165.03, 5165.031, 5165.10, 5165.106, 5165.15, 5165.23, 5165.25, 31870  
5165.65, 5165.68, 5502.26, 5502.261, 5513.01, 5531.10, 5703.052, 31871  
5703.21, 5705.10, 5709.12, 5709.121, 5709.40, 5713.012, 5713.08, 31872  
5715.19, 5715.27, 5717.01, 5727.111, 5739.05, 5739.09, 5747.02, 31873  
5747.025, 5747.50, and 5747.71 of the Revised Code are hereby 31874  
repealed. That existing Section 323.280 of Am. Sub. H.B. 59 of the 31875  
130th General Assembly is hereby repealed. 31876

**Section 105.01.** That sections 1322.063, 3125.191, 3702.93, 31877  
4171.03, 4171.04, 5124.63, 5124.64, and 5126.037 of the Revised 31878  
Code are hereby repealed. 31879

**Section 125.10.** Section 5101.345 of the Revised Code is 31880  
hereby repealed effective the first day of the forty-ninth month 31881  
after the effective date of that section. 31882

**Section 503.10.** APPROPRIATIONS RELATED TO GRANT 31883  
RECONCILIATION AND CLOSE-OUT 31884

If, pursuant to the reconciliation and close-out process for 31885



a grant received by a state agency, an amount is identified as 31886  
both unspent and requiring remittance to the grantor, the director 31887  
of the agency may request the Director of Budget and Management to 31888  
authorize additional expenditures to return the unspent cash to 31889  
the grantor. Upon approval of the Director of Budget and 31890  
Management, the additional amounts are hereby appropriated. 31891

**Section 503.30.** CLEAN OHIO CONSERVATION GRANT REPAYMENTS 31892

Any grant repayment received by the Public Works Commission 31893  
and deposited into the Clean Ohio Conservation Fund (Fund 7056) 31894  
pursuant to section 164.261 of the Revised Code is hereby 31895  
appropriated in appropriation item C15060, Clean Ohio 31896  
Conservation. 31897

**Section 509.10.** REESTABLISHING ENCUMBRANCES THAT USE OUTDATED 31898  
EXPENSE ACCOUNT CODES 31899

On or after January 1, 2015, should the Director of Budget 31900  
and Management elect to update expense account codes pursuant to 31901  
the authority granted in division (A)(2) of section 126.21 of the 31902  
Revised Code, the Director may cancel any existing operating or 31903  
capital encumbrances from prior fiscal years that reference 31904  
outdated expense account codes and, if needed, reestablish them 31905  
against the same appropriation items referencing updated expense 31906  
account codes. The reestablished encumbrance amounts are hereby 31907  
appropriated. Any business commenced but not completed under the 31908  
prior encumbrances by January 1, 2015, shall be completed under 31909  
the new encumbrances in the same manner and with the same effect 31910  
as if it was completed with regard to the old encumbrances. 31911

**Section 509.20.** The Department of Natural Resources is hereby 31912  
authorized, pursuant to and consistent with the requirements of 31913  
Chapter 127. of the Revised Code, to use moneys appropriated to it 31914  
from the Ohio Parks and Natural Resources Fund (Fund 7031) and the 31915

Parks and Recreation Improvement Fund (Fund 7035) for capital 31916  
projects, including, but not limited to, improvements or 31917  
renovations on land or property owned by the department but used 31918  
and operated, under a lease or other agreement, by an entity other 31919  
than the department. No moneys shall be released under the 31920  
authority of this section until the Director of Natural Resources 31921  
has certified in writing to the Director of the Office of Budget 31922  
and Management that the project will enhance the use and enjoyment 31923  
of Ohio's state parks and natural resources. 31924

**Section 512.10.** On July 1, 2014, or as soon as possible 31925  
thereafter, the Director of Budget and Management shall transfer 31926  
the cash balance in the Education Endowment Fund (Fund P087) to 31927  
the Education Facilities Trust Fund (Fund N087). Upon completion 31928  
of the transfer, Fund P087 is abolished. 31929

**Section 512.20.** On July 1, 2014, or as soon as possible 31930  
thereafter, the Director of Budget and Management shall transfer 31931  
the cash balance in the Healthcare Services Fund (Fund 3W50), 31932  
Healthy Ohioans Initiatives Fund (Fund 5BL0), Alcohol Testing 31933  
Program Fund (Fund 5C00), TANF Family Planning Fund (Fund 5C10), 31934  
Poison Control Fund (Fund 5CB0), Sewage Treatment System 31935  
Innovation Fund (Fund 5CJ0), and the Health Emergency Fund (Fund 31936  
5EC0) to the General Revenue Fund. Upon the completion of these 31937  
transfers, Fund 3W50, Fund 5BL0, Fund 5C00, Fund 5C10, Fund 5CB0, 31938  
Fund 5CJ0, and Fund 5EC0 are abolished. 31939

**Section 512.30.** ABOLISHMENT OF INACTIVE FUNDS USED BY THE 31940  
DEPARTMENT OF JOB AND FAMILY SERVICES 31941

Within ninety days of the effective date of this section, or 31942  
as soon as possible thereafter, the Director of Budget and 31943  
Management shall transfer all cash in the following funds to the 31944

Administration and Operating Fund (Fund 5DM0) used by the	31945
Department of Job and Family Services:	31946
The State and Local Training Fund (Fund 3160),	31947
The Job Training Program Fund (Fund 3650),	31948
The Income Maintenance Reimbursement Fund (Fund 3A10),	31949
The ABD Managed Care - Federal Fund (Fund 3AZ0),	31950
The Children's Hospitals - Federal Fund (Fund 3BB0),	31951
The Ford Foundation Reimbursement Fund (Fund 3G90),	31952
The TANF - Employment & Training Fund (Fund 3S90),	31953
The HIPPY Program Fund (Fund 3W80),	31954
The Adoption Connection Fund (Fund 3W90),	31955
The Interagency Programs Fund (Fund 4G10),	31956
The Welfare Overpayment Intercept Fund (Fund 4K70),	31957
The Wellness Block Grant Fund (Fund 4N70),	31958
The Banking Fees Fund (Fund 4R30),	31959
The BCII Service Fees Fund (Fund 4R40),	31960
The Child Support Activities Fund (Fund 4V20),	31961
The BES Automation Administration Fund (Fund 5A50),	31962
The Public Assistance Reconciliation Fund (Fund 5AX0),	31963
The Child Support Operating Fund (Fund 5BE0),	31964
The ABD Managed Care - State Fund (Fund 5BZ0),	31965
The Private Child Care Agencies Training Fund (Fund 5E40),	31966
The EBT Contracted Services Fund (Fund 5E50),	31967
The State Option Food Stamp Program Fund (Fund 5E60),	31968
The BES Building Consolidation Fund (Fund 5F20),	31969
The BES Building Enhancement Fund (Fund 5F30),	31970

The Commission on Fatherhood Fund (Fund 5G30),	31971
The Child & Adult Protective Services Fund (Fund 5GV0),	31972
The Child Support Supplement Fund (Fund 5K60),	31973
The OhioWorks Supplement Fund (Fund 5L40),	31974
The County Technologies Fund (Fund 5N10),	31975
The TANF Child Welfare Fund (Fund 5P40),	31976
The Medicaid Admin Reimbursement Fund (Fund 5P60),	31977
The Child Support Special Payment Fund (Fund 5T20),	31978
The Federal Fiscal Relief Fund (Fund 5Y90),	31979
The Health Care Grants Fund (Fund 5Z50),	31980
The TANF QC Reinvestment Fund (Fund 5Z90),	31981
The Third Party Recoveries Fund (Fund 6000),	31982
The Training Activities Fund (Fund 6130), and	31983
The Ford Foundation Fund (Fund 6A70).	31984
Upon completion of the transfers, all the aforementioned funds	31985
listed in this section (except Fund 5DM0) are hereby abolished.	31986
Within ninety days after the effective date of this section,	31987
or as soon as possible thereafter, the Director of Budget and	31988
Management shall transfer all cash in the OhioCare Fund (Fund	31989
4X30), the Human Services Stabilization Fund (Fund 4Z70), and the	31990
Managed Care Assessment Fund (Fund 5BG0) to the General Revenue	31991
Fund. Upon completion of the transfers, Fund 4X30, Fund 4Z70, and	31992
Fund 5BG0 are hereby abolished.	31993
<b>Section 512.40.</b> On July 1, 2014, or as soon as possible	31994
thereafter, the Director of Budget and Management shall transfer	31995
the cash balance in the Nursing Facility Technical Assistance Fund	31996
(Fund 5L10), to the Residents Protection Fund (Fund 4E30). Upon	31997

completion of the transfer, Fund 5L10 is abolished. 31998

**Section 610.20.** That Sections 207.10, 209.30, 221.10, 241.10, 31999  
245.10, 257.10, 257.20, 259.10, 259.210, 263.10, 263.230, 263.240, 32000  
263.250, 263.270, 263.320, 263.325, 275.10, 282.10, 282.30, 32001  
285.10, 285.20, 301.10, 301.33, 301.40, 301.143, 327.10, 327.83, 32002  
333.10, 340.10, 349.10, 359.10, 363.10, 365.10, 395.10, 403.10, 32003  
512.70, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 130th 32004  
General Assembly be amended to read as follows: 32005

**Sec. 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 32006

General Revenue Fund 32007

GRF	100403	Public Employees	\$	309,600	\$	309,600	32008
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Health Care Program

GRF	100414	MARCS Lease Rental	\$	5,133,700	\$	5,135,800	32009
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Payments

GRF	100415	OAKS Lease Rental	\$	22,998,500	\$	22,982,500	32010
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Payments

GRF	100416	STARS Lease Rental	\$	4,976,500	\$	4,973,200	32011
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Payments

GRF	100447	Administrative	\$	<del>85,847,800</del>	\$	91,059,600	32012
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Building Lease Rental

83,847,800

Payments

GRF	100448	Office Building	\$	20,000,000	\$	20,000,000	32013
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Operating Payments

GRF	100449	DAS - Building	\$	7,551,571	\$	7,551,571	32014
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Operating Payments

GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624	32015
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GRF	100456	State IT Services	\$	1,739,038	\$	1,739,038	32016
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GRF	100457	Equal Opportunity	\$	1,910,516	\$	1,910,516	32017
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Services

GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094	32018
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GRF 130321	State Agency Support	\$	2,477,008	\$	2,477,008	32019
	Services					
TOTAL GRF	General Revenue Fund	\$	<del>158,052,951</del>	\$	163,247,551	32020
			<u>156,052,951</u>			
General Services Fund Group						32021
1120 100616	DAS Administration	\$	6,127,659	\$	6,147,659	32022
1150 100632	Central Service Agency	\$	911,580	\$	927,699	32023
1170 100644	General Services	\$	12,993,870	\$	12,993,870	32024
	Division - Operating					
1220 100637	Fleet Management	\$	4,200,000	\$	4,200,000	32025
1250 100622	Human Resources	\$	17,749,839	\$	17,749,839	32026
	Division - Operating					
1250 100657	Benefits Communication	\$	712,316	\$	712,316	32027
1280 100620	Office of Collective	\$	3,329,507	\$	3,329,507	32028
	Bargaining					
1300 100606	Risk Management	\$	6,635,784	\$	6,635,784	32029
	Reserve					
1320 100631	DAS Building	\$	19,343,170	\$	19,343,170	32030
	Management					
1330 100607	IT Services Delivery	\$	57,521,975	\$	57,521,975	32031
1880 100649	Equal Opportunity	\$	863,013	\$	863,013	32032
	Division - Operating					
2100 100612	State Printing	\$	20,459,526	\$	20,459,526	32033
2290 100630	IT Governance	\$	16,446,474	\$	16,446,474	32034
2290 100640	Leveraged Enterprise	\$	7,065,639	\$	7,065,639	32035
	Purchases					
4270 100602	Investment Recovery	\$	1,618,062	\$	1,638,515	32036
4N60 100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	32037
4P30 100603	DAS Information	\$	6,400,070	\$	6,400,070	32038
	Services					
5C20 100605	MARCS Administration	\$	14,292,596	\$	14,512,028	32039
5C30 100608	Minor Construction	\$	1,004,375	\$	1,004,375	32040
	Project Management					

5EB0 100635	OAKS Support Organization	\$ 25,813,077	\$ 19,813,077	32041
5EB0 100656	OAKS Updates and Developments	\$ 9,886,923	\$ 2,636,923	32042
5HU0 100655	Construction Reform Demo Compliance	\$ 150,000	\$ 150,000	32043
5KZ0 100659	Building Improvement	\$ 500,000	\$ 500,000	32044
5L70 100610	Professional Development	\$ 2,100,000	\$ 2,100,000	32045
5LA0 100660	Building Operation	\$ 26,600,767	\$ 26,814,648	32046
5LJ0 100661	IT Development	\$ 13,200,000	\$ 13,200,000	32047
5V60 100619	Employee Educational Development	\$ 800,000	\$ 800,000	32048
TOTAL GSF General Services Fund				32049
Group		\$ 333,614,857	\$ 320,854,742	32050
Federal Special Revenue Fund Group				32051
3AJ0 100654	ARRA Broadband Mapping Grant	\$ 1,723,009	\$ 1,723,009	32052
TOTAL FED Federal Special Revenue				32053
Fund Group		\$ 1,723,009	\$ 1,723,009	32054
State Special Revenue Fund Group				32055
5JQ0 100658	Professionals Licensing System	\$ 3,028,366	\$ 990,000	32056
5MV0 100662	Theater Equipment Maintenance	\$ 80,891	\$ 80,891	32057
5NM0 100663	911 Program	\$ 290,000	\$ 290,000	32058
TOTAL SSR State Special Revenue				32059
Fund Group		\$ 3,399,257	\$ 1,360,891	32060
TOTAL ALL BUDGET FUND GROUPS				32061
		\$ <del>496,790,074</del>	\$ 487,186,193	
		<u>494,790,074</u>		

The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code.

The State Ombudsman may explore the design of a payment method for the Ombudsman Program that includes a pay-for-performance incentive component that is earned by designated regional long-term care ombudsman programs.

MYCARE OHIO

The foregoing appropriation items 490410, Long-Term Care 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, 32095  
shall be used to fund only Alzheimer's disease services under 32096  
section 173.04 of the Revised Code. 32097

NATIONAL SENIOR SERVICE CORPS 32098

The foregoing appropriation item 490506, National Senior 32099  
Service Corps, shall be used by the Department of Aging to fund 32100  
grants for three Corporation for National and Community 32101  
Service/Senior Corps programs: the Foster Grandparents Program, 32102  
the Senior Companion Program, and the Retired Senior Volunteer 32103  
Program. A recipient of these grant funds shall use the funds to 32104  
support priorities established by the Department and the Ohio 32105  
State Office of the Corporation for National and Community 32106  
Service. The expenditure of these funds by any grant recipient 32107  
shall be in accordance with Senior Corps policies and procedures, 32108  
as stated in the Domestic Volunteer Service Act of 1973, as 32109  
amended. Neither the Department nor any area agencies on aging 32110  
that are involved in the distribution of these funds to 32111  
lower-tiered grant recipients may use any portion of these funds 32112  
to cover administrative costs. 32113

SENIOR COMMUNITY OUTREACH AND EDUCATION 32114

The foregoing appropriation item 490606, Senior Community 32115  
Outreach and Education, may be used to provide training to workers 32116  
in the field of aging pursuant to division (G) of section 173.02 32117  
of the Revised Code. 32118

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 32119  
AND FEDERAL AGING GRANTS 32120

At the request of the Director of Aging, the Director of 32121  
Budget and Management may transfer appropriation between 32122  
appropriation items 490612, Federal Independence Services, and 32123  
490618, Federal Aging Grants. The amounts transferred shall not 32124  
exceed 30 per cent of the appropriation from which the transfer is 32125

made. Any transfers shall be reported by the Department of Aging	32126
to the Controlling Board at the next scheduled meeting of the	32127
board.	32128
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	32129
The foregoing appropriation item 490609, Regional Long-Term	32130
Care Ombudsman Program, shall be used to pay the costs of	32131
operating the regional long-term care ombudsman programs	32132
designated by the State Long-Term Care Ombudsman.	32133
TRANSFER OF RESIDENT PROTECTION FUNDS	32134
In each fiscal year, the Director of Budget and Management	32135
may transfer up to \$1,250,000 cash from the Resident Protection	32136
Fund (Fund 4E30), which is used by the Department of Medicaid, to	32137
the Ombudsman Support Fund (Fund 5BA0), which is used by the	32138
Department of Aging.	32139
The Director of Aging and the Office of the State Long-Term	32140
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund	32141
5BA0) to implement a nursing home quality initiative as specified	32142
in section 173.60 of the Revised Code.	32143
LONG-TERM CARE CONSUMERS GUIDE	32144
The foregoing appropriation item 490613, Long-Term Care	32145
Consumers Guide, shall be used to conduct annual consumer	32146
satisfaction surveys and to pay for other administrative expenses	32147
related to the publication of the Ohio Long-Term Care Consumer	32148
Guide.	32149
CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD	32150
OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND	32151
On July 1, 2013, or as soon as possible thereafter, the	32152
Director of Health shall certify to the Director of Budget and	32153
Management the cash balance relating to the Board of Examiners of	32154
Nursing Home Administrators in the General Operations Fund (Fund	32155

4700), used by the Department of Health. Upon receiving this 32156  
certification, the Director of Budget and Management may transfer 32157  
this cash from the General Operations Fund (Fund 4700) to the 32158  
Board of Executives of Long-Term Services and Supports Fund (Fund 32159  
5MT0), used by the Department of Aging. If this transfer occurs, 32160  
the Director of Budget and Management shall cancel any existing 32161  
encumbrances pertaining to the Board of Examiners of Nursing Home 32162  
Administrators against appropriation item 440647, Fee Supported 32163  
Programs, and re-establish them against appropriation item 490627, 32164  
Board of Executives of LTSS. The re-established encumbrance 32165  
amounts are hereby appropriated. 32166

**Sec. 221.10. AGO ATTORNEY GENERAL** 32167

General Revenue Fund 32168

GRF	055321	Operating Expenses	\$	42,514,169	\$	43,114,169	32169
GRF	055405	Law-Related Education	\$	100,000	\$	100,000	32170
GRF	055407	Tobacco Settlement	\$	1,500,000	\$	<del>1,500,000</del> 0	32171
		Enforcement					
GRF	055411	County Sheriffs' Pay	\$	757,921	\$	757,921	32172
		Supplement					
GRF	055415	County Prosecutors'	\$	831,499	\$	831,499	32173
		Pay Supplement					
GRF	055501	Rape Crisis Centers	\$	1,000,000	\$	1,000,000	32174
TOTAL GRF		General Revenue Fund	\$	46,703,589	\$	<del>47,303,589</del> <u>45,803,589</u>	32175

General Services Fund Group 32176

1060	055612	<del>General Reimbursement</del>	\$	54,806,192	\$	55,820,716	32177
		<u>Attorney General</u>					
		<u>Operating</u>					
1950	055660	Workers' Compensation	\$	8,415,504	\$	8,415,504	32178
		Section					
4180	055615	Charitable	\$	8,286,000	\$	8,286,000	32179

		Foundations					
4200	055603	Attorney General	\$	1,839,074	\$	1,839,074	32180
		Antitrust					
4210	055617	Police Officers'	\$	500,000	\$	500,000	32181
		Training Academy Fee					
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	32182
		and Cost					
		Reimbursement					
5900	055633	Peace Officer Private	\$	79,438	\$	95,325	32183
		Security Fund					
5A90	055618	Telemarketing Fraud	\$	45,000	\$	10,000	32184
		Enforcement					
5L50	055619	Law Enforcement	\$	375,255	\$	187,627	32185
		Assistance Program					
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	32186
		Training - Casino					
5MP0	055657	Peace Officer	\$	25,000	\$	25,000	32187
		Training Commission					
6310	055637	Consumer Protection	\$	6,700,000	\$	6,834,000	32188
		Enforcement					
TOTAL	GSF	General Services Fund					32189
Group			\$	86,700,872	\$	87,642,655	32190
Federal	Special	Revenue Fund Group					32191
3060	055620	Medicaid Fraud	\$	4,537,408	\$	4,628,156	32192
		Control					
3810	055611	Civil Rights Legal	\$	75,000	\$	35,574	32193
		Service					
3830	055634	Crime Victims	\$	15,000,000	\$	15,000,000	32194
		Assistance					
3E50	055638	Attorney General	\$	599,999	\$	599,999	32195
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	7,000,000	\$	7,000,000	32196
		Compensation					

3R60	055613	Attorney General	\$	999,999	\$	999,999	32197
		Federal Funds					
TOTAL FED		Federal Special Revenue					32198
Fund Group			\$	28,212,406	\$	28,263,728	32199
State Special Revenue		Fund Group					32200
4020	055616	Victims of Crime	\$	16,456,769	\$	16,456,769	32201
4190	055623	Claims Section	\$	55,920,716	\$	56,937,131	32202
4L60	055606	DARE Programs	\$	3,578,901	\$	3,486,209	32203
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	32204
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	32205
		Waste Background					
		Investigations					
TOTAL SSR		State Special Revenue					32206
Fund Group			\$	76,867,116	\$	77,790,839	32207
Holding Account		Redistribution					32208
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	32209
		Account					
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	32210
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	32211
R042	055601	Organized Crime	\$	25,025	\$	25,025	32212
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	32213
		Redistribution					
TOTAL 090		Holding Account					32214
Redistribution		Fund Group	\$	6,276,025	\$	6,276,025	32215
Tobacco Master Settlement		Agreement					32216
U087	055402	Tobacco Settlement	\$	500,000	\$	<del>500,000</del>	32217
		Oversight,				<u>2,000,000</u>	
		Administration, and					
		Enforcement					
TOTAL TSF		Tobacco Master Settlement	\$	500,000	\$	<del>500,000</del>	32218

Agreement Fund Group			<u>2,000,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	245,260,008	\$	247,776,836 32219
OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER				32220
Of the foregoing appropriation item 055321, Operating				32221
Expenses, \$600,000 in fiscal year 2015 shall be used to create the				32222
Ohio BCI Forensic Research and Professional Training Center at				32223
Bowling Green State University. The purpose of the Center shall be				32224
to foster forensic science research techniques (BCI Eminent				32225
Scholar) and to create professional training opportunities to				32226
students (BCI Scholars) in the forensic science fields.				32227
COUNTY SHERIFFS' PAY SUPPLEMENT				32228
The foregoing appropriation item 055411, County Sheriffs' Pay				32229
Supplement, shall be used for the purpose of supplementing the				32230
annual compensation of county sheriffs as required by section				32231
325.06 of the Revised Code.				32232
At the request of the Attorney General, the Director of				32233
Budget and Management may transfer appropriation from				32234
appropriation item 055321, Operating Expenses, to appropriation				32235
item 055411, County Sheriffs' Pay Supplement. Any appropriation so				32236
transferred shall be used to supplement the annual compensation of				32237
county sheriffs as required by section 325.06 of the Revised Code.				32238
COUNTY PROSECUTORS' PAY SUPPLEMENT				32239
The foregoing appropriation item 055415, County Prosecutors'				32240
Pay Supplement, shall be used for the purpose of supplementing the				32241
annual compensation of certain county prosecutors as required by				32242
section 325.111 of the Revised Code.				32243
At the request of the Attorney General, the Director of				32244
Budget and Management may transfer appropriation from				32245
appropriation item 055321, Operating Expenses, to appropriation				32246
item 055415, County Prosecutors' Pay Supplement. Any appropriation				32247
so transferred shall be used to supplement the annual compensation				32248

of county prosecutors as required by section 325.111 of the	32249
Revised Code.	32250
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL	32251
REIMBURSEMENT FUND	32252
Notwithstanding any other provision of law to the contrary,	32253
on July 1, 2013, or as soon as possible thereafter, the Director	32254
of Budget and Management shall transfer \$80,000 cash from the	32255
General Revenue Fund to the General Reimbursement Fund (Fund	32256
1060).	32257
WORKERS' COMPENSATION SECTION	32258
The Workers' Compensation Fund (Fund 1950) is entitled to	32259
receive payments from the Bureau of Workers' Compensation and the	32260
Ohio Industrial Commission at the beginning of each quarter of	32261
each fiscal year to fund legal services to be provided to the	32262
Bureau of Workers' Compensation and the Ohio Industrial Commission	32263
during the ensuing quarter. The advance payment shall be subject	32264
to adjustment.	32265
In addition, the Bureau of Workers' Compensation shall	32266
transfer payments at the beginning of each quarter for the support	32267
of the Workers' Compensation Fraud Unit.	32268
All amounts shall be mutually agreed upon by the Attorney	32269
General, the Bureau of Workers' Compensation, and the Ohio	32270
Industrial Commission.	32271
ATTORNEY GENERAL PASS-THROUGH FUNDS	32272
The foregoing appropriation item 055638, Attorney General	32273
Pass-Through Funds, shall be used to receive federal grant funds	32274
provided to the Attorney General by other state agencies,	32275
including, but not limited to, the Department of Youth Services	32276
and the Department of Public Safety.	32277
GENERAL HOLDING ACCOUNT	32278

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose,



the amounts are hereby appropriated. 32310

COLLECTION PAYMENT REDISTRIBUTION 32311

The foregoing appropriation item 055650, Collection Payment 32312  
Redistribution, shall be used for the purpose of allocating the 32313  
revenue where debtors mistakenly paid the client agencies instead 32314  
of the Attorney General's Collections Enforcement Section. If it 32315  
is determined that additional amounts are necessary for this 32316  
purpose, the amounts are hereby appropriated. 32317

OHIO LAW ENFORCEMENT TRAINING FUND RECOMMENDATIONS 32318

By September 1, 2013, the Attorney General, in consultation 32319  
with state and local law enforcement agencies, shall submit to the 32320  
President and Minority Leader of the Senate and the Speaker and 32321  
Minority Leader of the House of Representatives a report 32322  
recommending how to best use moneys collected from the gross 32323  
casino revenue tax, pursuant to Section 6(C)(3)(f) of Article XV, 32324  
Ohio Constitution, and how to best distribute such money for the 32325  
purposes of enhancing public safety and providing additional 32326  
training opportunities to the law enforcement community. The 32327  
report shall expressly include a recommendation for sharing a 32328  
portion of such moneys with local law enforcement agencies 32329  
beginning in fiscal year 2015. 32330

CASH TRANSFERS FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 32331  
FUND 32332

Notwithstanding section 512.20 of Am. Sub. H.B. 487 of the 32333  
129th General Assembly, on July 1, 2014, or as soon as possible 32334  
thereafter, the Director of Budget and Management may transfer up 32335  
to \$8,000,000 cash from the Pre-Securitization Tobacco Payments 32336  
Fund (Fund 5LS0) to the Tobacco Oversight Administration and 32337  
Enforcement Fund (Fund U087). 32338

**Sec. 241.10. COM DEPARTMENT OF COMMERCE** 32339

General Services Fund Group					32340
1630 800620	Division of Administration	\$	6,200,000	\$	6,200,000
1630 800637	Information Technology	\$	6,011,977	\$	6,011,977
5430 800602	Unclaimed Funds-Operating	\$	7,737,546	\$	7,737,546
5430 800625	Unclaimed Funds-Claims	\$	64,000,000	\$	64,000,000
5F10 800635	Small Government Fire Departments	\$	300,000	\$	300,000
TOTAL GSF General Services Fund Group		\$	84,249,523	\$	84,249,523
Federal Special Revenue Fund Group					32348
3480 800622	Underground Storage Tanks	\$	1,129,518	\$	1,129,518
3480 800624	Leaking Underground Storage Tanks	\$	1,556,211	\$	1,556,211
TOTAL FED Federal Special Revenue Fund Group		\$	2,685,729	\$	2,685,729
State Special Revenue Fund Group					32353
4B20 800631	Real Estate Appraisal Recovery	\$	35,000	\$	35,000
4H90 800608	Cemeteries	\$	266,688	\$	266,688
4X20 800619	Financial Institutions	\$	1,854,298	\$	1,854,298
5440 800612	Banks	\$	6,836,589	\$	6,836,589
5450 800613	Savings Institutions	\$	2,259,536	\$	2,259,536
5460 800610	Fire Marshal	\$	17,336,990	\$	15,976,408
5460 800639	Fire Department Grants	\$	2,198,802	\$	<del>2,198,802</del>
					<u>5,198,802</u>
5470 800603	Real Estate Education/Research	\$	69,655	\$	69,655
5480 800611	Real Estate Recovery	\$	50,000	\$	50,000
5490 800614	Real Estate	\$	3,310,412	\$	3,310,412

5500 800617	Securities	\$	4,238,814	\$	4,238,814	32364
5520 800604	Credit Union	\$	3,297,888	\$	3,297,888	32365
5530 800607	Consumer Finance	\$	3,481,692	\$	3,481,692	32366
5560 800615	Industrial Compliance	\$	26,612,520	\$	27,104,205	32367
5FW0 800616	Financial Literacy Education	\$	200,000	\$	200,000	32368
5GK0 800609	Securities Investor Education/Enforcement	\$	432,150	\$	432,150	32369
5HV0 800641	Cigarette Enforcement	\$	118,800	\$	118,800	32370
5LP0 800646	Liquor Regulatory Operating Expenses	\$	7,988,921	\$	7,844,537	32371
<u>5PA0 800647</u>	<u>Bustr Revolving Loan</u> <u>Program</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,000,000</u>	32372
5X60 800623	Video Service	\$	337,224	\$	337,224	32373
6530 800629	UST Registration/Permit Fee	\$	<del>3,831,888</del> <u>2,331,888</u>	\$	<del>3,612,588</del> <u>2,112,588</u>	32374
6A40 800630	Real Estate Appraiser-Operating	\$	672,973	\$	672,973	32375
TOTAL SSR State Special Revenue						32376
Fund Group		\$	<del>85,430,840</del> <u>83,930,840</u>	\$	<del>84,198,259</del> <u>88,698,259</u>	32377
Liquor Control Fund Group						32378
5LC0 800644	Liquor JobsOhio Extraordinary Allowance	\$	557,974	\$	372,661	32379
5LN0 800645	Liquor Operating Services	\$	13,949,342	\$	9,316,535	32380
TOTAL LCF Liquor Control						32381
Fund Group		\$	14,507,316	\$	9,689,196	32382
TOTAL ALL BUDGET FUND GROUPS						32383
		\$	<del>186,873,408</del> <u>185,373,408</u>	\$	<del>180,822,707</del> <u>185,322,707</u>	
ADMINISTRATIVE ASSESSMENTS						32384

Notwithstanding any other provision of law to the contrary, 32385  
the Division of Administration Fund (Fund 1630) is entitled to 32386  
receive assessments from all operating funds of the Department in 32387  
accordance with procedures prescribed by the Director of Commerce 32388  
and approved by the Director of Budget and Management. 32389

UNCLAIMED FUNDS PAYMENTS 32390

The foregoing appropriation item 800625, Unclaimed 32391  
Funds-Claims, shall be used to pay claims under section 169.08 of 32392  
the Revised Code. If it is determined that additional amounts are 32393  
necessary, the amounts are appropriated. 32394

FIRE DEPARTMENT GRANTS 32395

Of the foregoing appropriation item 800639, Fire Department 32396  
Grants, up to \$2,198,802 in ~~each~~ fiscal year 2014 and \$5,198,802 32397  
in fiscal year 2015 shall be used to make annual grants to the 32398  
following eligible recipients: volunteer fire departments, fire 32399  
departments that serve one or more small municipalities or small 32400  
townships, joint fire districts comprised of fire departments that 32401  
primarily serve small municipalities or small townships, local 32402  
units of government responsible for such fire departments, and 32403  
local units of government responsible for the provision of fire 32404  
protection services for small municipalities or small townships. 32405  
For the purposes of these grants, a private fire company, as that 32406  
phrase is defined in section 9.60 of the Revised Code, that is 32407  
providing fire protection services under a contract to a political 32408  
subdivision of the state, is an additional eligible recipient for 32409  
a training grant. 32410

Eligible recipients that consist of small municipalities or 32411  
small townships that all intend to contract with the same fire 32412  
department or private fire company for fire protection services 32413  
may jointly apply and be considered for a grant. If a joint 32414  
applicant is awarded a grant, the State Fire Marshal shall, if 32415

feasible, proportionately award the grant and any equipment 32416  
purchased with grant funds to each of the joint applicants based 32417  
upon each applicant's contribution to and demonstrated need for 32418  
fire protection services. 32419

If the grant awarded to joint applicants is an equipment 32420  
grant and the equipment to be purchased cannot be readily 32421  
distributed or possessed by multiple recipients, each of the joint 32422  
applicants shall be awarded by the State Fire Marshal an ownership 32423  
interest in the equipment so purchased in proportion to each 32424  
applicant's contribution to and demonstrated need for fire 32425  
protection services. The joint applicants shall then mutually 32426  
agree on how the equipment is to be maintained, operated, stored, 32427  
or disposed of. If, for any reason, the joint applicants cannot 32428  
agree as to how jointly owned equipment is to be maintained, 32429  
operated, stored, or disposed of or any of the joint applicants no 32430  
longer maintain a contract with the same fire protection service 32431  
provider as the other applicants, then the joint applicants shall, 32432  
with the assistance of the State Fire Marshal, mutually agree as 32433  
to how the jointly owned equipment is to be maintained, operated, 32434  
stored, disposed of, or owned. If the joint applicants cannot 32435  
agree how the grant equipment is to be maintained, operated, 32436  
stored, disposed of, or owned, the State Fire Marshal may, in its 32437  
discretion, require all of the equipment acquired by the joint 32438  
applicants with grant funds to be returned to the State Fire 32439  
Marshal. The State Fire Marshal may then award the returned 32440  
equipment to any eligible recipients. For this paragraph only, an 32441  
"equipment grant" also includes a MARCS Grant. 32442

Except as otherwise provided in this section, the grants 32443  
shall be used by recipients to purchase firefighting or rescue 32444  
equipment or gear or similar items, to provide full or partial 32445  
reimbursement for the documented costs of firefighter training, 32446  
or, at the discretion of the State Fire Marshal, to cover fire 32447

department costs for providing fire protection services in that 32448  
grant recipient's jurisdiction. 32449

Of the foregoing appropriation item 800639, Fire Department 32450  
Grants, up to \$500,000 per fiscal year may be used to pay for the 32451  
State Fire Marshal's costs of providing firefighter I 32452  
certification classes or other firefighter classes approved by the 32453  
Department of Public Safety in accordance with section 4765.55 of 32454  
the Revised Code at no cost to selected students attending the 32455  
Ohio Fire Academy or other class providers approved by the State 32456  
Fire Marshal. The State Fire Marshal may establish the 32457  
qualifications and selection processes for students to attend such 32458  
classes by written policy, and such students shall be considered 32459  
eligible recipients of fire department grants for the purposes of 32460  
this portion of the grant program. 32461

For purposes of this section, a MARCS Grant is a grant for 32462  
systems, equipment, or services that are a part of, integrated 32463  
into, or otherwise interoperable with the Multi-Agency Radio 32464  
Communication System (MARCS) operated by the state. 32465

Of the foregoing appropriation item 800639, Fire Department 32466  
Grants, up to \$3,000,000 in fiscal year 2015 may be used for MARCS 32467  
Grants. MARCS Grants may be used for the payment of user access 32468  
fees by the eligible recipient to access MARCS. 32469

MARCS Grant awards may be up to \$50,000 in fiscal year 2015 32470  
per eligible recipient. Each eligible recipient may only apply, as 32471  
a separate entity or as a part of a joint application, for one 32472  
MARCS Grant per fiscal year. Eligible recipients that are or were 32473  
awarded fire department grants that are not MARCS Grants may also 32474  
apply for and receive MARCS Grants in accordance with criteria for 32475  
the awarding of grant funds established by the State Fire Marshal. 32476

Grant awards for firefighting or rescue equipment or gear or 32477  
for fire department costs of providing fire protection services 32478

shall be up to \$15,000 per fiscal year, or up to \$25,000 per 32479  
fiscal year if an eligible entity serves a jurisdiction in which 32480  
the Governor declared a natural disaster during the preceding or 32481  
current fiscal year in which the grant was awarded. In addition to 32482  
any grant funds awarded for rescue equipment or gear, or for fire 32483  
department costs associated with the provision of fire protection 32484  
services, an eligible entity may receive a grant for up to \$15,000 32485  
per fiscal year for full or partial reimbursement of the 32486  
documented costs of firefighter training. For each fiscal year, 32487  
the State Fire Marshal shall determine the total amounts to be 32488  
allocated for each eligible purpose. 32489

The grant program shall be administered by the State Fire 32490  
Marshal in accordance with rules the State Fire Marshal adopts as 32491  
part of the state fire code adopted pursuant to section 3737.82 of 32492  
the Revised Code that are necessary for the administration and 32493  
operation of the grant program. The rules may further define the 32494  
entities eligible to receive grants and establish criteria for the 32495  
awarding and expenditure of grant funds, including methods the 32496  
State Fire Marshal may use to verify the proper use of grant funds 32497  
or to obtain reimbursement for or the return of equipment for 32498  
improperly used grant funds. To the extent consistent with this 32499  
section and until such time as the rules are updated, the existing 32500  
rules in the state fire code adopted pursuant to section 3737.82 32501  
of the Revised Code for fire department grants under this section 32502  
apply to MARCS Grants. Any amounts in appropriation item 800639, 32503  
Fire Department Grants, in excess of the amount allocated for 32504  
these grants may be used for the administration of the grant 32505  
program. 32506

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 32507

The Director of Budget and Management, upon the request of 32508  
the Director of Commerce, may transfer up to \$500,000 in cash from 32509  
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 32510

cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 32511  
the Division of Real Estate Operating Fund (Fund 5490) during the 32512  
biennium ending June 30, 2015. 32513

**Sec. 245.10. CEB CONTROLLING BOARD** 32514

General Revenue Fund 32515

GRF 911420 Children Services \$ 0 \$ 6,800,000 32516

GRF 911421 Adult Protective Services \$ 0 \$ 10,000,000 32517

GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 32518  
Costs

TOTAL GRF General Revenue Fund \$ 475,000 \$ ~~475,000~~ 32519  
17,275,000

General Services Fund Group 32520

5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 32521

TOTAL GSF General Services Fund \$ 10,000,000 \$ 10,000,000 32522

Group

TOTAL ALL BUDGET FUND GROUPS \$ 10,475,000 \$ ~~10,475,000~~ 32523  
27,275,000

**FEDERAL SHARE** 32524

In transferring appropriations to or from appropriation items 32525  
that have federal shares identified in ~~this act~~ Am. Sub. H.B. 59 32526  
of the 130th General Assembly, the Controlling Board shall add or 32527  
subtract corresponding amounts of federal matching funds at the 32528  
percentages indicated by the state and federal division of the 32529  
appropriations in ~~this act~~ Am. Sub. H.B. 59 of the 130th General 32530  
Assembly. Such changes are hereby appropriated. 32531

**DISASTER SERVICES** 32532

Pursuant to requests submitted by the Department of Public 32533  
Safety, the Controlling Board may approve transfers from the 32534  
Disaster Services Fund (5E20) to a fund and appropriation item 32535



used by the Department of Public Safety to provide for assistance 32536  
to political subdivisions made necessary by natural disasters or 32537  
emergencies. These transfers may be requested and approved prior 32538  
to the occurrence of any specific natural disasters or emergencies 32539  
in order to facilitate the provision of timely assistance. The 32540  
Emergency Management Agency of the Department of Public Safety 32541  
shall use the funding to fund the State Disaster Relief Program 32542  
for disasters that have a written Governor's authorization, and 32543  
the State Individual Assistance Program for disasters that have a 32544  
written Governor's authorization and is declared by the federal 32545  
Small Business Administration. The Ohio Emergency Management 32546  
Agency shall publish and make available application packets 32547  
outlining procedures for the State Disaster Relief Program and the 32548  
State Individual Assistance Program. 32549

Fund 5E20 shall be used by the Controlling Board, pursuant to 32550  
requests submitted by state agencies, to transfer cash and 32551  
appropriations to any fund and appropriation item for the payment 32552  
of state agency disaster relief program expenses for disasters 32553  
that have a written Governor's authorization, if the Director of 32554  
Budget and Management determines that sufficient funds exist. 32555

Upon the request of the Department of Public Safety, the 32556  
Controlling Board may release up to \$2,615,000 for Blanchard River 32557  
flood mitigation projects. 32558

**BALLOT ADVERTISING COSTS** 32559

Pursuant to section 3501.17 of the Revised Code, and upon 32560  
requests submitted by the Secretary of State, the Controlling 32561  
Board shall approve transfers from the foregoing appropriation 32562  
item 911441, Ballot Advertising Costs, to appropriation item 32563  
050621, Statewide Ballot Advertising, in order to pay for the cost 32564  
of public notices associated with statewide ballot initiatives. 32565

**CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS** 32566

ELIGIBILITY 32567

A state agency director shall request that the Controlling Board increase the amount of the agency's capital appropriations if the director determines such an increase is necessary for the agency to receive and use funds under the federal American Recovery and Reinvestment Act of 2009. The Controlling Board may increase the capital appropriations pursuant to the request up to the exact amount necessary under the federal act if the Board determines it is necessary for the agency to receive and use those federal funds.

CHILDREN SERVICES

Pursuant to Section 751.140 of this act, the Director of Job and Family Services may seek Controlling Board approval for the release and transfer of appropriations from the foregoing appropriation item 911420, Children Services. Upon approval of the Controlling Board, the Director of Budget and Management shall transfer appropriations equal to the amount requested to an appropriation item in the Department of Job and Family Services, as determined by the Director of Budget and Management. The transferred appropriations shall be used to implement the recommendations of the Children Services Funding Workgroup.

ADULT PROTECTIVE SERVICES

Pursuant to Section 751.130 of this act, the Director of Job and Family Services may seek Controlling Board approval for the release and transfer of appropriations from the foregoing appropriation item 911421, Adult Protective Services. Upon approval of the Controlling Board, the Director of Budget and Management shall transfer appropriations equal to the amount requested to an appropriation item in the Department of Job and Family Services, as determined by the Director of Budget and Management. The transferred appropriations shall be used to

		<u>implement the recommendations of the Adult Protective Services</u>				32598	
		<u>Funding Workgroup.</u>				32599	
		<b>Sec. 257.10. DEV DEVELOPMENT SERVICES AGENCY</b>				32600	
		General Revenue Fund				32601	
GRF	195402	Coal Research	\$	261,205	\$	261,405	32602
		Operating					
GRF	195405	Minority Business	\$	1,693,691	\$	1,693,691	32603
		Development					
GRF	195407	Travel and Tourism	\$	1,300,000	\$	0	32604
GRF	195415	Business Development	\$	2,413,387	\$	2,413,387	32605
		Services					
GRF	195426	Redevelopment	\$	1,968,365	\$	468,365	32606
		Assistance					
GRF	195497	CDBG Operating Match	\$	1,015,000	\$	1,015,000	32607
GRF	195501	Appalachian Local	\$	440,000	\$	440,000	32608
		Development Districts					
GRF	195532	Technology Programs	\$	13,547,341	\$	13,547,341	32609
		and Grants					
GRF	195533	Business Assistance	\$	4,205,774	\$	4,205,774	32610
GRF	195535	Appalachia Assistance	\$	3,846,482	\$	3,846,482	32611
GRF	195537	Ohio-Israel	\$	150,000	\$	150,000	32612
		Agricultural					
		Initiative					
GRF	195901	Coal Research &	\$	2,858,900	\$	4,327,200	32613
		Development General					
		Obligation Debt					
		Service					
GRF	195905	Third Frontier	\$	<del>66,511,600</del>	\$	<del>83,783,000</del>	32614
		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 32615
		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> 32616
				<u>108,810,145</u>		<u>129,976,145</u>
		General Services Fund Group				32617
1350	195684	Development Services	\$	10,800,000	\$	10,800,000 32618
		Operations				
4W10	195646	Minority Business	\$	2,500,000	\$	2,500,000 32619
		Enterprise Loan				
5KN0	195640	Local Government	\$	20,730,986	\$	21,900,000 32620
		Innovation				
5MB0	195623	Business Incentive	\$	15,000,000	\$	0 32621
		Grants				
5MK0	195600	Vacant Facilities	\$	1,000,000	\$	1,000,000 32622
		Grant				
5W50	195690	Travel and Tourism	\$	150,000	\$	150,000 32623
		Cooperative Projects				
6850	195636	Development Services	\$	700,000	\$	700,000 32624
		Reimbursable				
		Expenditures				
TOTAL GSF	General Services Fund					32625
Group			\$	50,880,986	\$	37,050,000 32626
		Federal Special Revenue Fund Group				32627
3080	195602	Appalachian Regional	\$	475,000	\$	475,000 32628
		Commission				
3080	195603	Housing Assistance	\$	10,000,000	\$	10,000,000 32629
		Programs				
3080	195609	Small Business	\$	5,271,381	\$	5,271,381 32630
		Administration Grants				

3080	195618	Energy Grants	\$	9,307,779	\$	4,109,193	32631
3080	195670	Home Weatherization Program	\$	17,000,000	\$	17,000,000	32632
3080	195671	Brownfield Redevelopment	\$	5,000,000	\$	5,000,000	32633
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	32634
3080	195675	Procurement Technical Assistance	\$	600,000	\$	600,000	32635
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	32636
3350	195610	Energy Programs	\$	200,000	\$	200,000	32637
3AE0	195643	Workforce Development Initiatives	\$	1,800,000	\$	1,800,000	32638
3DB0	195642	Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$	38,152	\$	0	32639
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	32,046,846	\$	5,655,326	32640
3FJ0	195661	Technology Targeted Investment Program	\$	12,750,410	\$	2,250,072	32641
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	32642
3K90	195611	Home Energy Assistance Block Grant	\$	172,000,000	\$	172,000,000	32643
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	32644
3L00	195612	Community Services Block Grant	\$	27,240,217	\$	27,240,217	32645
3V10	195601	HOME Program	\$	30,000,000	\$	30,000,000	32646

TOTAL FED Federal Special Revenue				32647
Fund Group	\$	417,389,090	\$ 375,260,494	32648
State Special Revenue Fund Group				32649
4500 195624 Minority Business	\$	74,868	\$ 74,905	32650
Bonding Program				
Administration				
4510 195649 Business Assistance	\$	6,300,800	\$ 6,700,800	32651
Programs				
4F20 195639 State Special Projects	\$	102,145	\$ 102,104	32652
4F20 195699 Utility Community	\$	500,000	\$ 500,000	32653
Assistance				
5CG0 195679 Alternative Fuel	\$	750,000	\$ 750,000	32654
Transportation				
5HR0 195526 Incumbent Workforce	\$	30,000,000	\$ 30,000,000	32655
Training Vouchers				
5HR0 195622 Defense Development	\$	5,000,000	\$ 5,000,000	32656
Assistance				
5JR0 195635 Redevelopment Program	\$	100,000	\$ 100,000	32657
Support				
5KP0 195645 Historic Rehab	\$	650,000	\$ 650,000	32658
Operating				
5LU0 195673 Racetrack Facility	\$	12,000,000	\$ 0	32659
Community Economic				
Redevelopment Fund				
5M40 195659 Low Income Energy	\$	350,000,000	\$ 350,000,000	32660
Assistance (USF)				
5M50 195660 Advanced Energy Loan	\$	8,000,000	\$ 8,000,000	32661
Programs				
5MH0 195644 SiteOhio	\$	100,000	\$ 100,000	32662
Administration				
5MJ0 195683 TourismOhio	\$	8,000,000	\$ 8,000,000	32663
Administration				
5W60 195691 International Trade	\$	18,000	\$ 18,000	32664

		Cooperative Projects				
6170	195654	Volume Cap	\$	32,562	\$	32,562 32665
		Administration				
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000 32666
TOTAL SSR State Special Revenue						32667
Fund Group			\$	474,628,375	\$	463,028,371 32668
Facilities Establishment Fund Group						32669
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000 32670
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000 32671
7010	195665	Research and Development	\$	22,000,000	\$	22,000,000 32672
7037	195615	Facilities Establishment	\$	50,000,000	\$	50,000,000 32673
TOTAL 037 Facilities						32674
Establishment Fund Group			\$	90,000,000	\$	90,000,000 32675
Clean Ohio Revitalization Fund						32676
7003	195663	Clean Ohio Program	\$	950,000	\$	950,000 32677
TOTAL 7003 Clean Ohio			\$	950,000	\$	950,000 32678
Revitalization Fund						
Third Frontier Research & Development Fund Group						32679
7011	195686	Third Frontier Operating	\$	1,149,750	\$	1,149,750 32680
7011	195687	Third Frontier Research & Development Projects	\$	90,850,250	\$	90,850,250 32681
7014	195620	Third Frontier Operating - Tax	\$	1,700,000	\$	1,700,000 32682
7014	195692	Research & Development Taxable	\$	38,300,000	\$	38,300,000 32683

Bond Projects			
TOTAL 011 Third Frontier Research & Development Fund Group	\$ 132,000,000	\$ 132,000,000	32684
Job Ready Site Development Fund Group			32685
7012 195688 Job Ready Site Development	\$ 800,000	\$ 800,000	32686
TOTAL 012 Job Ready Site Development Fund Group	\$ 800,000	\$ 800,000	32687
Tobacco Master Settlement Agreement Fund Group			32688
M087 195435 Biomedical Research and Technology Transfer	\$ 1,896,595	\$ 1,906,025	32689
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$ 1,896,595	\$ 1,906,025	32690
TOTAL ALL BUDGET FUND GROUPS	\$ <del>1,284,255,191</del>	\$ <del>1,236,271,035</del>	32691
	<u>1,277,355,191</u>	<u>1,230,971,035</u>	

**Sec. 257.20. COAL RESEARCH OPERATING** 32693

The foregoing appropriation item 195402, Coal Research Operating, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. 32694  
32695  
32696  
32697

**TRAVEL AND TOURISM** 32698

The foregoing appropriation item 195407, Travel and Tourism, shall be used for marketing the state of Ohio as a tourism destination and to support administrative expenses and contracts necessary to market Ohio. 32699  
32700  
32701  
32702

**BUSINESS DEVELOPMENT SERVICES** 32703

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices 32704  
32705  
32706



and for grants for cooperative economic development ventures.	32707
REDEVELOPMENT ASSISTANCE	32708
The foregoing appropriation item 195426, Redevelopment	32709
Assistance, shall be used to fund the costs of administering the	32710
Clean Ohio Revitalization program and other urban revitalization	32711
programs that may be implemented by the Development Services	32712
Agency. Of the foregoing appropriation item 195426, Redevelopment	32713
Assistance, \$1,500,000 in fiscal year 2014 shall be used for the	32714
Famicos Foundation.	32715
CDBG OPERATING MATCH	32716
The foregoing appropriation item 195497, CDBG Operating	32717
Match, shall be used as matching funds for grants from the United	32718
States Department of Housing and Urban Development pursuant to the	32719
Housing and Community Development Act of 1974 and regulations and	32720
policy guidelines for the programs pursuant thereto.	32721
APPALACHIAN LOCAL DEVELOPMENT DISTRICTS	32722
The foregoing appropriation item 195501, Appalachian Local	32723
Development Districts, shall be used to support four local	32724
development districts. Of the foregoing appropriation amount in	32725
each fiscal year, up to \$135,000 shall be allocated to the Ohio	32726
Valley Regional Development Commission, up to \$135,000 shall be	32727
allocated to the Ohio Mid-Eastern Government Association, up to	32728
\$135,000 shall be allocated to the Buckeye Hills-Hocking Valley	32729
Regional Development District, and up to \$35,000 shall be	32730
allocated to the Eastgate Regional Council of Governments. Local	32731
development districts receiving funding under this section shall	32732
use the funds for the implementation and administration of	32733
programs and duties under section 107.21 of the Revised Code.	32734
TECHNOLOGY PROGRAMS AND GRANTS	32735
Of the foregoing appropriation item 195532, Technology	32736

Programs and Grants, up to \$547,341 in each fiscal year shall be 32737  
used for operating expenses incurred in administering the Ohio 32738  
Third Frontier pursuant to sections 184.10 to 184.20 of the 32739  
Revised Code; up to \$13,000,000 in each fiscal year shall be used 32740  
for the Thomas Edison Program pursuant to sections 122.28 to 32741  
122.38 of the Revised Code, of which not more than ten per cent 32742  
shall be used for operating expenses incurred in administering the 32743  
program. 32744

BUSINESS ASSISTANCE 32745

The foregoing appropriation item 195533, Business Assistance, 32746  
may be used to provide a range of business assistance, including 32747  
grants to local organizations to support economic development 32748  
activities that promote minority business development, small 32749  
business development, entrepreneurship, and exports of Ohio's 32750  
goods and services. This appropriation item shall also be used as 32751  
matching funds for grants from the United States Small Business 32752  
Administration and other federal agencies, pursuant to Public Law 32753  
No. 96-302 as amended by Public Law No. 98-395, and regulations 32754  
and policy guidelines for the programs pursuant thereto. 32755

APPALACHIA ASSISTANCE 32756

The foregoing appropriation item 195535, Appalachia 32757  
Assistance, may be used for the administrative costs of planning 32758  
and liaison activities for the Governor's Office of Appalachia, to 32759  
provide financial assistance to projects in Ohio's Appalachian 32760  
counties, and to pay dues for the Appalachian Regional Commission. 32761  
These funds may be used to match federal funds from the 32762  
Appalachian Regional Commission. 32763

OHIO-ISRAEL AGRICULTURE INITIATIVE 32764

The foregoing appropriation item 195537, Ohio-Israel 32765  
Agricultural Initiative, shall be used for the Ohio-Israel 32766  
Agricultural Initiative. 32767

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	32768
The foregoing appropriation line item 195901, Coal Research and Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2013, through June 30, 2015 for obligations issued under sections 151.01 and 151.07 of the Revised Code.	32769 32770 32771 32772 32773
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	32774 32775
The foregoing appropriation item 195905, Third Frontier Research & Development 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, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code.	32776 32777 32778 32779 32780 32781
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	32782
The foregoing appropriation item 195912, Job Ready Site Development 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, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.	32783 32784 32785 32786 32787 32788
<b>Sec. 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES</b>	32789
General Revenue Fund	32790
GRF 320412 Protective Services \$ 1,918,196 \$ 1,918,196	32791
GRF 320415 Lease-Rental Payments \$ <del>15,843,300</del> \$ 16,076,700	32792
<u>14,743,300</u>	
GRF 322420 Screening and Early Intervention \$ 300,000 \$ 300,000	32793
GRF 322451 Family Support Services \$ 5,932,758 \$ 5,932,758	32794

GRF	322501	County Boards	\$	44,449,280	\$	44,449,280	32795
		Subsidies					
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	32796
GRF	322507	County Board Case	\$	2,500,000	\$	2,500,000	32797
		Management					
GRF	322508	Employment First	\$	3,000,000	\$	3,000,000	32798
		Pilot Program					
GRF	653321	Medicaid Program	\$	6,186,694	\$	6,186,694	32799
		Support - State					
GRF	653407	Medicaid Services	\$	430,056,111	\$	437,574,237	32800
TOTAL GRF	General Revenue Fund		\$	<del>524,186,339</del>	\$	531,937,865	32801
				<u>523,086,339</u>			
General Services Fund Group							32802
1520	653609	DC and Residential	\$	3,414,317	\$	3,414,317	32803
		Operating Services					
TOTAL GSF	General Services Fund		\$	3,414,317	\$	3,414,317	32804
Group							
Federal Special Revenue Fund Group							32805
3A50	320613	DD Council	\$	3,297,656	\$	3,324,187	32806
3250	322612	Community Social	\$	10,604,896	\$	10,604,896	32807
		Service Programs					
3A40	653604	DC & ICF/IID Program	\$	8,013,611	\$	8,013,611	32808
		Support					
3A40	653605	DC and Residential	\$	159,548,565		159,548,565	32809
		Services and Support					
3A40	653653	ICF/IID	\$	354,712,840	\$	353,895,717	32810
3G60	653639	Medicaid Waiver	\$	932,073,249	\$	1,025,921,683	32811
		Services					
3G60	653640	Medicaid Waiver	\$	36,934,303	\$	36,170,872	32812
		Program Support					
3M70	653650	CAFS Medicaid	\$	3,000,000	\$	3,000,000	32813
TOTAL FED	Federal Special Revenue		\$	1,508,185,120	\$	1,600,479,531	32814

Fund Group				
		State Special Revenue Fund Group		32815
5GE0	320606	Operating and Services	\$ 7,407,297 \$	7,407,297 32816
2210	322620	Supplement Service Trust	\$ 150,000 \$	150,000 32817
5DJ0	322625	Targeted Case Management Match	\$ 33,750,000 \$	37,260,000 32818
5DK0	322629	Capital Replacement Facilities	\$ 750,000 \$	750,000 32819
5H00	322619	Medicaid Repayment	\$ 160,000 \$	160,000 32820
5JX0	322651	Interagency Workgroup - Autism	\$ 45,000	45,000 32821
4890	653632	DC Direct Care Services	\$ 16,497,169 \$	16,497,169 32822
5CT0	653607	Intensive Behavioral Needs	\$ 1,000,000 \$	1,000,000 32823
5DJ0	653626	Targeted Case Management Services	\$ 91,740,000 \$	100,910,000 32824
5EV0	653627	Medicaid Program Support	\$ 685,000 \$	685,000 32825
5GE0	653606	ICF/IID and Waiver Match	\$ 40,353,139 \$	39,106,638 32826
5S20	653622	Medicaid Admin and Oversight	\$ 17,341,201 \$	19,032,154 32827
5Z10	653624	County Board Waiver Match	\$ 284,740,000 \$	336,480,000 32828
TOTAL SSR		State Special Revenue	\$ 494,618,806 \$	559,483,258 32829
Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$ <del>2,530,404,582</del> \$	2,695,314,971 32830
			<u>2,529,304,582</u>	

ICFs/IID	32833
(A) As used in this section:	32834
"Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," " <u>peer group 1</u> ," " <u>peer group 2</u> ," " <u>peer group 3</u> ," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.	32835 32836 32837 32838 32839
"Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	32840 32841
"Modified per diem rate" means the total per Medicaid day payment rate calculated for an ICF/IID under division (C) of this section.	32842 32843 32844
"Unmodified per diem rate" means the total per Medicaid day payment rate calculated for an ICF/IID under Chapter 5124. of the Revised Code. In the case of a new ICF/IID, "unmodified per diem rate" means the initial total per Medicaid day payment rate calculated for the new ICF/IID under section 5124.151 of the Revised Code.	32845 32846 32847 32848 32849 32850
(B)(1) This section applies to each <del>ICF/IID</del> provider <u>of an ICF/IID in peer group 1 or peer group 2</u> to which any of the following applies:	32851 32852 32853
<del>(1)</del> (a) The provider has a valid Medicaid provider agreement for the ICF/IID on June 30, 2014, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2015.	32854 32855 32856
<del>(2)</del> (b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2015, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2015.	32857 32858 32859 32860 32861 32862

~~(3)(c)~~ The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2015. 32863  
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(2) This section does not apply to a provider of an ICF/IID in peer group 3. 32865  
32866

(C)(1) Except as otherwise provided in this section, an ICF/IID provider to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2015, the total modified per diem rate determined for the ICF/IID under this division. 32867  
32868  
32869  
32870  
32871

(2) Except in the case of a new ICF/IID, an ICF/IID's total modified per diem rate for fiscal year 2015 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications: 32872  
32873  
32874  
32875

(a) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2013 shall be multiplied by 1.014. 32876  
32877  
32878  
32879  
32880

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the ~~following~~: 32881  
32882  
32883  
32884

~~(i) In the case of an ICF/IID with more than eight beds, \$114.37 or the different amount, if any, specified in a future amendment to this section made under division (D)(3) of this section;~~ 32885  
32886  
32887  
32888

~~(ii) In the case of an ICF/IID with eight or fewer beds, \$109.09 or the different amount, if any, specified in a future amendment to this section made~~ determined under division (D)(3) of this section. 32889  
32890  
32891  
32892

(c) In place of the inflation adjustment otherwise calculated 32893  
under division (D) of section 5124.19 of the Revised Code for the 32894  
purpose of division (A)(1)(b) of that section, an inflation 32895  
adjustment of 1.014 shall be used. 32896

(d) In the place of the grouper methodology prescribed, as of 32897  
the day immediately before the effective date of this section, in 32898  
rules authorized by section 5124.192 of the Revised Code, the new 32899  
grouper methodology prescribed in rules authorized by division 32900  
(D)(2)(a) of this section shall be used. 32901

(e) In place of the maximum rate for indirect care costs 32902  
established for the ICF/IID's peer group under division (C) of 32903  
section 5124.21 of the Revised Code, the maximum rate for indirect 32904  
care costs for the ICF/IID's peer group shall be the following: 32905

(i) In the case of an ICF/IID ~~with more than eight beds in~~ peer group 1, \$68.98; 32906  
32907

(ii) In the case of an ICF/IID ~~with eight or fewer beds in~~ peer group 2, \$59.60. 32908  
32909

(f) In place of the inflation adjustment otherwise calculated 32910  
under divisions (D)(1) and (2) of section 5124.21 of the Revised 32911  
Code for the purpose of division (B)(1) of that section only, an 32912  
inflation adjustment of 1.014 shall be used. 32913

(g) In place of the efficiency incentive otherwise calculated 32914  
under division (B)(2) or (3) of section 5124.21 of the Revised 32915  
Code, the ICF/IID's efficiency incentive for indirect care costs 32916  
shall be the following: 32917

(i) In the case of an ICF/IID ~~with more than eight beds in~~ peer group 1, \$3.69; 32918  
32919

(ii) In the case of an ICF/IID ~~with eight or fewer beds in~~ peer group 2, \$3.19. 32920  
32921

(h) The ICF/IID's efficiency incentive for capital costs, as 32922



determined under division (E) of section 5124.17 of the Revised Code, shall be reduced by 50%. 32923  
32924

(3) In the case of a new ICF/IID, the ICF/IID's initial total modified per diem rate for fiscal year 2015 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications: 32925  
32926  
32927  
32928

(a) In place of the amount determined under division (A)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows: 32929  
32930  
32931  
32932  
32933

(i) Using the costs per case-mix units determined for ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 of the 129th General Assembly, as amended by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, determine the median of the costs per case-mix units of each peer group; 32934  
32935  
32936  
32937  
32938

(ii) Multiply the median determined under division (C)(3)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2013; 32939  
32940  
32941

(iii) Multiply the product determined under division (C)(3)(a)(ii) of this section by 1.014. 32942  
32943

(b) In place of the amount determined under division (A)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following: 32944  
32945  
32946  
32947

(i) If the new ICF/IID ~~has more than eight beds~~ is in peer group 1, \$68.98; 32948  
32949

(ii) If the new ICF/IID ~~has eight or fewer beds~~ is in peer group 2, \$59.60. 32950  
32951

(c) In place of the amount determined under division (A)(4) 32952

of section 5124.151 of the Revised Code, the new ICF/IID's initial 32953  
per Medicaid day rate for other protected costs shall be one 32954  
hundred fifteen per cent of the median rate for ICFs/IID 32955  
determined under section 5124.23 of the Revised Code with the 32956  
modification made under division (C)(2)(a) of this section. 32957

(4) A new ICF/IID's initial total modified per diem rate for 32958  
fiscal year 2015 as determined under division (C)(3) of this 32959  
section shall be adjusted at the applicable time specified in 32960  
division (B) of section 5124.151 of the Revised Code. If the 32961  
adjustment affects the ICF/IID's rate for ICF/IID services 32962  
provided during fiscal year 2015, the modifications specified in 32963  
division (C)(2) of this section apply to the adjustment. 32964

(D)(1) In consultation with the Ohio Provider Resource 32965  
Association, Values and Faith Alliance, Ohio Association of County 32966  
Boards of Developmental Disabilities, and Ohio Health Care 32967  
Association/Ohio Centers for Intellectual Disabilities, the 32968  
Director of Developmental Disabilities shall study all of the 32969  
following: 32970

(a) Establishing a new grouper methodology to be used when 32971  
determining ICFs/IID's case-mix scores for fiscal year 2015; 32972

~~(b) Whether the amounts specified in division (C)(2)(b)(i) 32973  
and (ii) of this section are set at levels that will avoid or 32974  
minimize rate reductions under division (E) of this section;~~ 32975

~~(e) For the purposes of sections 5124.153 and 5124.154 of the 32976  
Revised Code, specifying additional diagnoses and special care 32977  
needs that individuals must have to meet the criteria for 32978  
admission to designated outlier ICFs/IID or units;~~ 32979

~~(d)(c) Sources of funding for, or mechanisms to ensure the 32980  
budget neutrality of, the additional diagnoses and special care 32981  
needs studied under division (D)(1)(c) of this section. 32982~~

(2) Not later than March 31, 2014, the Director shall adopt 32983

rules under section 5124.03 of the Revised Code to do both of the following: 32984  
32985

(a) Prescribe the following: 32986

(i) If the Director and the organizations with which the Director consults under division (D)(1) of this section agree, not later than December 31, 2013, to the terms of a new grouper methodology to be used when determining ICFs/IID's case-mix scores for fiscal year 2015, a new methodology that is consistent with those terms; 32987  
32988  
32989  
32990  
32991  
32992

(ii) If division (D)(2)(a)(i) of this section does not apply, a new grouper methodology that provides for six classes based on data available to the Director on the day immediately before the effective date of this section. 32993  
32994  
32995  
32996

(b) Specify additional diagnoses and special care needs that individuals must have to meet the criteria for admission to designated outlier ICFs/IID or units for the purposes of Medicaid payment rates under sections 5124.153 and 5124.154 of the Revised Code. 32997  
32998  
32999  
33000  
33001

(3) ~~If the~~ The Director and the organizations with which the Director consults under ~~divisions~~ division (D)(1) of this section ~~agree that the amounts specified in divisions shall jointly determine the amount of the maximum cost per case-mix unit to be used under division (C)(2)(b)(i) and (ii) of this section are not set at levels that will avoid or minimize. To the extent possible, the amount so determined shall do both of the following:~~ 33002  
33003  
33004  
33005  
33006  
33007  
33008

(a) Avoid rate reductions adjustments under division (E) of this section, ~~the Director and organizations shall recommend, not later than March 31, 2014, that the General Assembly amend this section to revise the amounts. It is the General Assembly's intent to amend this section to revise the amounts specified in divisions (C)(2)(b)(i) and (ii) of this section if the Director and~~ 33009  
33010  
33011  
33012  
33013  
33014

~~organizations recommend that the amounts be revised;~~ 33015

(b) Result in payment of all desk-reviewed, actual, allowable 33016  
direct care costs for the same percentage of Medicaid days for 33017  
ICFs/IID in peer group 1 as for ICFs/IID in peer group 2 as of 33018  
July 1, 2014, based on May 2014 Medicaid days. 33019

(E) If the mean total per diem rate for all ICFs/IID to which 33020  
this section applies, weighted by May 2014 Medicaid days and 33021  
determined under division (C) of this section as of July 1, 2014, 33022  
is other than \$282.77, the Department of Developmental 33023  
Disabilities shall adjust, for fiscal year 2015, the total per 33024  
diem rate for each ICF/IID to which this section applies by a 33025  
percentage that is equal to the percentage by which the mean total 33026  
per diem rate is greater or less than \$282.77. 33027

(F) If the United States Centers for Medicare and Medicaid 33028  
Services requires that the franchise permit fee be reduced or 33029  
eliminated, the Department of Developmental Disabilities shall 33030  
reduce the amount it pays ICF/IID providers under this section as 33031  
necessary to reflect the loss to the state of the revenue and 33032  
federal financial participation generated from the franchise 33033  
permit fee. 33034

(G) The Department of Developmental Disabilities shall follow 33035  
this section in determining the rate to be paid ICF/IID providers 33036  
subject to this section notwithstanding anything to the contrary 33037  
in Chapter 5124. of the Revised Code. 33038

(H) Of the foregoing appropriation items 653407, Medicaid 33039  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 33040  
portions shall be used to pay the Medicaid payment rates 33041  
determined in accordance with this section for ICF/IID services 33042  
provided during fiscal year 2015. 33043

**Sec. 263.10. EDU DEPARTMENT OF EDUCATION** 33044

General Revenue Fund					33045	
GRF 200321	Operating Expenses	\$	13,142,780	\$	13,142,780	33046
GRF 200408	Early Childhood Education	\$	33,318,341	\$	45,318,341	33047
GRF 200420	Information Technology Development and Support	\$	4,241,296	\$	4,241,296	33048
GRF 200421	Alternative Education Programs	\$	7,403,998	\$	7,403,998	33049
GRF 200422	School Management Assistance	\$	3,000,000	\$	3,000,000	33050
GRF 200424	Policy Analysis	\$	328,558	\$	328,558	33051
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$	260,542	33052
GRF 200426	Ohio Educational Computer Network	\$	29,625,569	\$	19,625,569	33053
GRF 200427	Academic Standards	\$	3,800,000	\$	3,800,000	33054
GRF 200437	Student Assessment	\$	55,895,000	\$	75,895,000	33055
GRF 200439	Accountability/Report Cards	\$	3,500,000	\$	3,750,000	33056
GRF 200442	Child Care Licensing	\$	827,140	\$	827,140	33057
GRF 200446	Education Management Information System	\$	6,833,070	\$	6,833,070	33058
GRF 200447	GED Testing	\$	879,551	\$	879,551	33059
GRF 200448	Educator Preparation	\$	1,136,737	\$	1,564,237	33060
GRF 200455	Community Schools and Choice Programs	\$	2,438,685	\$	2,491,395	33061
GRF 200464	General Technology Operations	\$	192,097	\$	192,097	33062
GRF 200465	Technology Integration and Professional Development	\$	1,778,879	\$	1,778,879	33063
GRF 200502	Pupil Transportation	\$	505,013,527	\$	521,013,527	33064

GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	33065
GRF 200511	Auxiliary Services	\$	130,499,457	\$	138,214,374	33066
GRF 200532	Nonpublic	\$	58,951,750	\$	62,436,882	33067
	Administrative Cost					
	Reimbursement					
GRF 200540	Special Education	\$	156,871,292	\$	157,871,292	33068
	Enhancements					
GRF 200545	Career-Technical	\$	9,372,999	\$	9,372,999	33069
	Education Enhancements					
GRF 200550	Foundation Funding	\$	5,808,098,389	\$	6,151,463,768	33070
GRF 200566	Literacy Improvement	\$	150,000	\$	150,000	33071
GRF 200901	Property Tax	\$	<del>1,138,800,000</del>	\$	<del>1,156,402,000</del>	33072
	Allocation - Education		<u>1,126,800,000</u>		<u>1,146,402,000</u>	
TOTAL GRF General Revenue Fund		\$	<del>7,985,459,657</del>	\$	<del>8,397,357,295</del>	33073
			<u>7,973,459,657</u>		<u>8,387,357,295</u>	
General Services Fund Group						33074
1380 200606	Information	\$	6,850,090	\$	6,850,090	33075
	Technology					
	Development and					
	Support					
4520 200638	Fees and Refunds	\$	500,000	\$	500,000	33076
4L20 200681	Teacher Certification	\$	8,313,762	\$	13,658,274	33077
	and Licensure					
5960 200656	Ohio Career	\$	529,761	\$	529,761	33078
	Information System					
5H30 200687	School District	\$	25,000,000	\$	25,000,000	33079
	Solvency Assistance					
<u>5JC0 200654</u>	<u>Adult Career</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,500,000</u>	33080
	<u>Opportunity Pilot</u>					
	<u>Program</u>					
5KX0 200691	Ohio School	\$	487,419	\$	487,419	33081
	Sponsorship Program					
5KY0 200693	Community Schools	\$	83,000	\$	83,000	33082

Temporary Sponsorship				
TOTAL GSF General Services				33083
Fund Group	\$	41,764,032	\$ <del>47,108,544</del>	33084
			<u>49,608,544</u>	
Federal Special Revenue Fund Group				33085
3090 200601 Neglected and	\$	2,168,642	\$ 2,168,642	33086
Delinquent Education				
3670 200607 School Food Services	\$	8,200,664	\$ 8,700,149	33087
3700 200624 Education of	\$	1,530,000	\$ 1,530,000	33088
Exceptional Children				
3AF0 200603 Schools Medicaid	\$	750,000	\$ 750,000	33089
Administrative Claims				
3AN0 200671 School Improvement	\$	20,400,000	\$ 20,400,000	33090
Grants				
3BK0 200628 Longitudinal Data	\$	1,250,000	\$ 0	33091
Systems				
3C50 200661 Early Childhood	\$	14,554,749	\$ 14,554,749	33092
Education				
3CG0 200646 Teacher Incentive	\$	15,125,588	\$ 15,183,285	33093
3D20 200667 Math Science	\$	6,000,000	\$ 6,000,000	33094
Partnerships				
3EC0 200653 Teacher Incentive -	\$	1,300,000	\$ 0	33095
Federal Stimulus				
3EH0 200620 Migrant Education	\$	2,900,000	\$ 2,900,000	33096
3EJ0 200622 Homeless Children	\$	2,600,000	\$ 2,600,000	33097
Education				
3EK0 200637 Advanced Placement	\$	450,000	\$ 450,000	33098
3EN0 200655 State Data Systems -	\$	1,250,000	\$ 0	33099
Federal Stimulus				
3FD0 200665 Race to the Top	\$	136,000,000	\$ 58,074,046	33100
3FN0 200672 Early Learning	\$	7,040,000	\$ 7,040,000	33101
Challenge - Race to				
the Top				

3GE0	200674	Summer Food Service Program	\$	13,596,000	\$	14,003,800	33102
3GF0	200675	Miscellaneous Nutrition Grants	\$	700,000	\$	700,000	33103
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,738,000	\$	4,880,140	33104
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	33105
3L60	200617	Federal School Lunch	\$	350,608,075	\$	361,126,273	33106
3L70	200618	Federal School Breakfast	\$	108,480,590	\$	112,819,813	33107
3L80	200619	Child/Adult Food Programs	\$	106,992,650	\$	110,202,428	33108
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900	33109
3M00	200623	ESEA Title 1A	\$	560,000,000	\$	560,000,000	33110
3M20	200680	Individuals with Disabilities Education Act	\$	443,170,050	\$	443,170,050	33111
3T40	200613	Public Charter Schools	\$	500,000	\$	0	33112
3Y20	200688	21st Century Community Learning Centers	\$	48,201,810	\$	50,611,900	33113
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000	33114
3Y70	200689	English Language Acquisition	\$	9,700,000	\$	9,700,000	33115
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000	33116
3Z20	200690	State Assessments	\$	11,800,000	\$	11,800,000	33117
3Z30	200645	Consolidated Federal Grant Administration	\$	7,949,280	\$	7,949,280	33118



TOTAL FED Federal Special				33119
Revenue Fund Group	\$ 2,038,044,998	\$ 1,977,403,455		33120
State Special Revenue Fund Group				33121
4540 200610 GED Testing	\$ 1,050,000	\$ 250,000		33122
4550 200608 Commodity Foods	\$ 24,000,000	\$ 24,000,000		33123
4R70 200695 Indirect Operational Support	\$ 6,600,000	\$ 6,600,000		33124
4V70 200633 Interagency Program Support	\$ 717,725	\$ 717,725		33125
5980 200659 Auxiliary Services Reimbursement	\$ 1,328,910	\$ 1,328,910		33126
5BJ0 200626 Half-Mill Maintenance Equalization	\$ 19,000,000	\$ 20,000,000		33127
5MM0 200677 Child Nutrition Refunds	\$ 500,000	\$ 500,000		33128
5T30 200668 Gates Foundation Grants	\$ 200,000	\$ 153,000		33129
5U20 200685 National Education Statistics	\$ 300,000	\$ 300,000		33130
6200 200615 Educational Improvement Grants	\$ 300,000	\$ 300,000		33131
TOTAL SSR State Special Revenue				33132
Fund Group	\$ 53,996,635	\$ 54,149,635		33133
Lottery Profits Education Fund Group				33134
7017 200612 Foundation Funding	\$ 775,500,000	\$ <del>853,000,000</del>		33135
		<u>857,700,000</u>		
<u>7017 200629 Career Advising and Mentoring</u>	<u>\$ 0</u>	<u>\$ 10,000,000</u>		33136
7017 200648 Straight A Fund	\$ 100,000,000	\$ 150,000,000		33137
7017 200666 EdChoice Expansion	\$ <del>8,500,000</del>	\$ 17,000,000		33138
	<u>3,800,000</u>			
7017 200684 Community School	\$ 7,500,000	\$ 7,500,000		33139

Facilities				
TOTAL LPE Lottery Profits				33140
Education Fund Group	\$	<del>891,500,000</del>	\$ <del>1,027,500,000</del>	33141
		<u>886,800,000</u>	<u>1,042,200,000</u>	
Revenue Distribution Fund Group				33142
7047 200909 School District	\$	482,000,000	\$ 482,000,000	33143
Property Tax				
Replacement-Business				
7053 200900 School District	\$	28,000,000	\$ 28,000,000	33144
Property Tax				
Replacement-Utility				
TOTAL RDF Revenue Distribution				33145
Fund Group	\$	510,000,000	\$ 510,000,000	33146
TOTAL ALL BUDGET FUND GROUPS	\$	<del>11,520,765,322</del>	<del>\$12,013,518,929</del>	33147
		<u>11,504,065,322</u>	<u>12,020,718,929</u>	

**Sec. 263.230. FOUNDATION FUNDING** 33149

Of the foregoing appropriation item 200550, Foundation 33150  
 Funding, up to \$675,000 in fiscal year 2014 shall be used to 33151  
 support the work of the College of Education and Human Ecology at 33152  
 the Ohio State University in reviewing and assessing the alignment 33153  
 of courses offered through the distance learning clearinghouse 33154  
 established in sections 3333.81 to 3333.88 of the Revised Code 33155  
 with the academic content standards adopted under division (A) of 33156  
 section 3301.079 of the Revised Code. 33157

Of the foregoing appropriation item 200550, Foundation 33158  
 Funding, up to \$40,000,000 in each fiscal year shall be used to 33159  
 provide additional state aid to school districts, joint vocational 33160  
 school districts, community schools, and STEM schools for special 33161  
 education students under division (C)(3) of section 3314.08, 33162  
 section 3317.0214, division (B) of section 3317.16, and section 33163  
 3326.34 of the Revised Code, except that the Controlling Board may 33164

increase these amounts if presented with such a request from the 33165  
Department of Education at the final meeting of the fiscal year. 33166

Of the foregoing appropriation item 200550, Foundation 33167  
Funding, up to \$2,000,000 in each fiscal year shall be reserved 33168  
for Youth Services tuition payments under section 3317.024 of the 33169  
Revised Code. 33170

Of the foregoing appropriation item 200550, Foundation 33171  
Funding, up to \$3,800,000 in each fiscal year shall be used to 33172  
fund gifted education at educational service centers. The 33173  
Department shall distribute the funding through the unit-based 33174  
funding methodology in place under division (L) of section 33175  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 33176  
and (C) of section 3317.053 of the Revised Code as they existed 33177  
prior to fiscal year 2010. 33178

Of the foregoing appropriation item 200550, Foundation 33179  
Funding, up to \$43,500,000 in fiscal year 2014 and up to 33180  
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 33181  
state reimbursement of educational service centers under the 33182  
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 33183  
entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to 33184  
\$3,500,000 in each fiscal year shall be distributed to educational 33185  
service centers for School Improvement Initiatives and, in 33186  
consultation with the Governor's Director of 21st Century 33187  
Education, for the provision of technical assistance as required 33188  
by the Elementary and Secondary Education Act Flexibility waivers 33189  
approved for Ohio by the United States Department of Education. 33190  
Educational service centers shall be required to support districts 33191  
in the development and implementation of their continuous 33192  
improvement plans as required in section 3302.04 of the Revised 33193  
Code and to provide technical assistance and support in accordance 33194  
with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 33195  
1425, 20 U.S.C. 6317, as administered pursuant to the Elementary 33196

and Secondary Education Act Flexibility waivers approved for Ohio 33197  
by the United States Department of Education. 33198

Of the foregoing appropriation item 200550, Foundation 33199  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 33200  
for payments under sections 3317.026, 3317.027, and 3317.028 of 33201  
the Revised Code. If this amount is not sufficient, the Department 33202  
of Education shall prorate the payment amounts so that the 33203  
aggregate amount allocated in this paragraph is not exceeded. 33204

Of the foregoing appropriation item 200550, Foundation 33205  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 33206  
career-technical planning districts for the amounts reimbursed to 33207  
students, as prescribed in this paragraph. Each career-technical 33208  
planning district shall reimburse individuals taking the online 33209  
General Educational Development (GED) test for the first time for 33210  
application/test fees in excess of \$40. Each career-technical 33211  
planning district shall designate a site or sites where 33212  
individuals may register and take the exam. For each individual 33213  
that registers for the exam, the career-technical planning 33214  
district shall make available and offer career counseling 33215  
services, including information on adult education programs that 33216  
are available. Any remaining funds in each fiscal year shall be 33217  
reimbursed to the Department of Youth Services and the Department 33218  
of Rehabilitation and Correction for individuals in these 33219  
facilities who have taken the GED for the first time. The amounts 33220  
reimbursed shall not exceed the per-individual amounts reimbursed 33221  
to other individuals under this section for each section of the 33222  
GED. 33223

Of the foregoing appropriation item 200550, Foundation 33224  
Funding, up to \$410,000 in each fiscal year shall be used to pay 33225  
career-technical planning districts \$500 for each student that 33226  
receives a journeyman certification, as recognized by the United 33227  
States Department of Labor. 33228

Of the foregoing appropriation item 200550, Foundation 33229  
Funding, up to \$18,713,327 in ~~each~~ fiscal year 2014 and up to 33230  
\$26,213,327 in fiscal year 2015 shall be used to support school 33231  
choice programs. 33232

Of the portion of the funds distributed to the Cleveland 33233  
Municipal School District under this section, up to \$11,901,887 in 33234  
each fiscal year shall be used to operate the school choice 33235  
program in the Cleveland Municipal School District under sections 33236  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 33237  
divisions (B) and (C) of section 3313.978 and division (C) of 33238  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 33239  
fiscal year of this amount shall be used by the Cleveland 33240  
Municipal School District to provide tutorial assistance as 33241  
provided in division (H) of section 3313.974 of the Revised Code. 33242  
The Cleveland Municipal School District shall report the use of 33243  
these funds in the district's three-year continuous improvement 33244  
plan as described in section 3302.04 of the Revised Code in a 33245  
manner approved by the Department of Education. 33246

Of the foregoing appropriation item 200550, Foundation 33247  
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay 33248  
college-preparatory boarding schools the per pupil boarding amount 33249  
pursuant to section 3328.34 of the Revised Code. 33250

Of the foregoing appropriation item 200550, Foundation 33251  
Funding, up to \$500,000 in each fiscal year shall be used to 33252  
support Jobs for Ohio's Graduates. 33253

Of the foregoing appropriation item 200550, Foundation 33254  
Funding, up to \$250,000 in fiscal year 2015 may be used for 33255  
payment of the Post-Secondary Enrollment Options Program for 33256  
students instructed at home pursuant to section 3321.04 of the 33257  
Revised Code. 33258

Of the foregoing appropriation item 200550, Foundation 33259

Funding, up to \$5,000,000 in fiscal year 2014 shall be used to 33260  
reimburse school districts for the full amount deducted in that 33261  
year under section 3310.55 of the Revised Code for Jon Peterson 33262  
Scholarships awarded under sections 3310.51 to 3310.64 of the 33263  
Revised Code to students who did not attend a public school in 33264  
their resident district in the previous school year. If this 33265  
amount is not sufficient, the Department of Education shall 33266  
prorate the payment amounts so that the aggregate amount 33267  
appropriated in this paragraph is not exceeded. 33268

Of the foregoing appropriation item 200550, Foundation 33269  
Funding, an amount shall be available in each fiscal year to be 33270  
paid to joint vocational school districts in accordance with 33271  
division (A) of section 3317.16 of the Revised Code and the 33272  
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 33273  
entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 33274  
DISTRICTS." 33275

Of the foregoing appropriation item 200550, Foundation 33276  
Funding, up to \$700,000 in each fiscal year shall be used by the 33277  
Department of Education for a program to pay for educational 33278  
services for youth who have been assigned by a juvenile court or 33279  
other authorized agency to any of the facilities described in 33280  
division (A) of the section of ~~this act~~ Am. Sub. H.B. 59 of the 33281  
130th General Assembly entitled "PRIVATE TREATMENT FACILITY 33282  
PROJECT." 33283

Of the foregoing appropriation item 200550, Foundation 33284  
Funding, up to \$675,000 in fiscal year 2015 shall be used to 33285  
provide grants on a competitive basis to public and chartered 33286  
nonpublic schools for their participation in the electronic 33287  
textbook pilot project. These funds shall be administered as 33288  
provided under the section of ~~this act~~ Am. Sub. H.B. 59 of the 33289  
130th General Assembly entitled ELECTRONIC TEXTBOOK PILOT PROJECT. 33290

Of the foregoing appropriation item 200550, Foundation 33291

Funding, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 33292  
in fiscal year 2015 shall be used for the New Leaders for Ohio 33293  
Schools Pilot Project in accordance with Section 733.40 of ~~this~~ 33294  
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly. 33295

The remainder of appropriation item 200550, Foundation 33296  
Funding, shall be used to distribute the amounts calculated for 33297  
formula aid under section 3317.022 of the Revised Code and the 33298  
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 33299  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 33300  
VILLAGE SCHOOL DISTRICTS." 33301

Appropriation items 200502, Pupil Transportation, 200540, 33302  
Special Education Enhancements, and 200550, Foundation Funding, 33303  
other than specific set-asides, are collectively used in each 33304  
fiscal year to pay state formula aid obligations for school 33305  
districts, community schools, STEM schools, college preparatory 33306  
boarding schools, and joint vocational school districts under ~~this~~ 33307  
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly. The first 33308  
priority of these appropriation items, with the exception of 33309  
specific set-asides, is to fund state formula aid obligations. It 33310  
may be necessary to reallocate funds among these appropriation 33311  
items or use excess funds from other general revenue fund 33312  
appropriation items in the Department of Education's budget in 33313  
each fiscal year, in order to meet state formula aid obligations. 33314  
If it is determined that it is necessary to transfer funds among 33315  
these appropriation items or to transfer funds from other General 33316  
Revenue Fund appropriations in the Department of Education's 33317  
budget to meet state formula aid obligations, the Department of 33318  
Education shall seek approval from the Controlling Board to 33319  
transfer funds as needed. 33320

The Superintendent of Public Instruction shall make payments, 33321  
transfers, and deductions, as authorized by Title XXXIII of the 33322  
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 33323

267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 33324  
amounts substantially equal to those made in the prior year, or 33325  
otherwise, at the discretion of the Superintendent, until at least 33326  
the effective date of the amendments and enactments made to Title 33327  
XXXIII by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly. 33328  
If a new school district, community school, or STEM school opens 33329  
prior to the effective date of ~~this act~~ Am. Sub. H.B. 59 of the 33330  
130th General Assembly, the Department of Education shall pay to 33331  
the district or school an amount of \$5,000 per pupil, based upon 33332  
the estimated number of students that the district or school is 33333  
expected to serve. Any funds paid to districts or schools under 33334  
this section shall be credited toward the annual funds calculated 33335  
for the district or school after the changes made to Title XXXIII 33336  
in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly are 33337  
effective. Upon the effective date of changes made to Title XXXIII 33338  
in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, funds 33339  
shall be calculated as an annual amount. 33340

**Sec. 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 33341**  
EXEMPTED VILLAGE SCHOOL DISTRICTS 33342

The Department of Education shall distribute funds within 33343  
appropriation item 200550, Foundation Funding, for temporary 33344  
transitional aid in each fiscal year to each qualifying city, 33345  
local, and exempted village school district. 33346

(A) For fiscal years 2014 and 2015, the Department shall pay 33347  
temporary transitional aid to each city, local, or exempted 33348  
village school district that experiences any decrease in its state 33349  
foundation funding for the current fiscal year from its 33350  
transitional aid guarantee base. The amount of the temporary 33351  
transitional aid payment shall equal the difference between its 33352  
foundation funding for the current fiscal year and its 33353  
transitional aid guarantee base. If the computation made under 33354



this division results in a negative number, the district's funding 33355  
under this division shall be zero. 33356

(1) As used in this section, foundation funding for each 33357  
city, local, and exempted village school district for a given 33358  
fiscal year equals the sum of the amount calculated for the 33359  
district under section 3317.022 of the Revised Code, as re-enacted 33360  
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, and 33361  
the amounts calculated for the district under divisions (G)(1) and 33362  
(2) of section 3317.0212 of the Revised Code, as amended by ~~this~~ 33363  
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for that 33364  
fiscal year. 33365

(2) The transitional aid guarantee base for each city, local, 33366  
and exempted village school district equals the sum of the amounts 33367  
computed for the district for fiscal year 2013, under Sections 33368  
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 33369  
129th General Assembly. The Department of Education shall adjust, 33370  
as necessary, the transitional aid guarantee base of any local 33371  
school district that participates in the establishment of a joint 33372  
vocational school district that begins receiving payments under 33373  
section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. 33374  
Sub. H.B. 59 of the 130th General Assembly, for fiscal year 2014 33375  
or fiscal year 2015, but does not receive payments under Section 33376  
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for 33377  
fiscal year 2013. The Department shall adjust any such local 33378  
school district's guarantee base according to the amounts received 33379  
by the district in fiscal year 2013 for career-technical education 33380  
students who attend the newly established joint vocational school 33381  
district in fiscal year 2014 or fiscal year 2015. 33382

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 33383  
as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 33384  
Assembly, in fiscal year 2014, no city, local, or exempted village 33385  
school district shall be allocated foundation funding that is 33386

greater than 1.0625 times the district's transitional aid 33387  
guarantee base. 33388

(2) Notwithstanding section 3317.022 of the Revised Code, as 33389  
re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 33390  
Assembly, in fiscal year 2015, no city, local, or exempted village 33391  
school district shall be allocated foundation funding that is 33392  
greater than 1.105 times the district's fiscal year 2014 base, 33393  
which is the amount computed for foundation funding for the 33394  
district for fiscal year 2014 plus any amount calculated for 33395  
temporary transitional aid for fiscal year 2014 under division (A) 33396  
of this section and after any reductions made for fiscal year 2014 33397  
under division (B)(1) of this section. The Department shall 33398  
adjust, as necessary, the fiscal year 2014 base of any local 33399  
school district that participates in the establishment of a joint 33400  
vocational school district that begins receiving payments under 33401  
section 3317.16 of the Revised Code for fiscal year 2015, but does 33402  
not receive such payments for fiscal year 2014. The Department 33403  
shall adjust any such local school district's fiscal year 2014 33404  
base according to the amounts received by the district in fiscal 33405  
year 2014 for career-technical education students who attend the 33406  
newly established joint vocational school district in fiscal year 33407  
2015. 33408

(3) The Department shall reduce a district's payments under 33409  
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 33410  
of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of 33411  
the 130th General Assembly, and divisions (G)(1) and (2) of 33412  
section 3317.0212 of the Revised Code, as amended by ~~this act~~ Am. 33413  
Sub. H.B. 59 of the 130th General Assembly, proportionately as 33414  
necessary in order to comply with this division. If those amounts 33415  
are insufficient, the Department shall proportionately reduce a 33416  
district's payments under divisions (A)(3), (8), and (9) of 33417  
section 3317.022 of the Revised Code, as re-enacted by ~~this act~~ 33418

Am. Sub. H.B. 59 of the 130th General Assembly. 33419

**Sec. 263.250.** TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL 33420  
SCHOOL DISTRICTS 33421

The Department of Education shall distribute funds within 33422  
appropriation item 200550, Foundation Funding, for temporary 33423  
transitional aid in each fiscal year to each qualifying joint 33424  
vocational school district. 33425

(A) For fiscal years 2014 and 2015, the Department shall pay 33426  
temporary transitional aid to each joint vocational school 33427  
district that experiences any decrease in its state core 33428  
foundation funding under division (A) of section 3317.16 of the 33429  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 33430  
130th General Assembly, for the current fiscal year from its 33431  
transitional aid guarantee base. The amount of the temporary 33432  
transitional aid payment shall equal the difference between the 33433  
district's funding under division (A) of section 3317.16 of the 33434  
Revised Code for the current fiscal year and its transitional aid 33435  
guarantee base. If the computation made under this division 33436  
results in a negative number, the district's funding under this 33437  
division shall be zero. 33438

The transitional aid guarantee base for each joint vocational 33439  
school district equals the amount computed for the district for 33440  
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 33441  
the 129th General Assembly. The Department of Education shall 33442  
establish, as necessary, the transitional aid guarantee base of 33443  
any joint vocational school district that begins receiving 33444  
payments under section 3317.16 of the Revised Code, as re-enacted 33445  
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for 33446  
fiscal year 2014 or fiscal year 2015, but does not receive 33447  
payments under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th 33448  
General Assembly, for fiscal year 2013. The Department shall 33449

establish any such joint vocational school district's guarantee 33450  
base as an amount equal to the absolute value of the sum of the 33451  
associated adjustments of any local school districts' guarantee 33452  
bases under Section 263.240 of ~~this act~~ Am. Sub. H.B. 59 of the 33453  
130th General Assembly. 33454

(B)(1) Notwithstanding division (A) of section 3317.16 of the 33455  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 33456  
130th General Assembly, in fiscal year 2014, no joint vocational 33457  
school district shall be allocated state core foundation funding, 33458  
as computed under division (A) of section 3317.16 of the Revised 33459  
Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th 33460  
General Assembly, that is greater than 1.0625 times the district's 33461  
transitional aid guarantee base. 33462

(2) Notwithstanding division (A) of section 3317.16 of the 33463  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 33464  
130th General Assembly, in fiscal year 2015, no joint vocational 33465  
school district shall be allocated state core foundation funding, 33466  
under division (A) of section 3317.16 of the Revised Code, as 33467  
re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 33468  
Assembly, that is greater than 1.105 times the district's fiscal 33469  
year 2014 base, which is the amount computed for state core 33470  
foundation funding for the district for fiscal year 2014 under 33471  
division (A) of section 3317.16 of the Revised Code, as re-enacted 33472  
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, plus 33473  
any amount calculated for temporary transitional aid for fiscal 33474  
year 2014 under division (A) of this section and after any 33475  
reductions made for fiscal year 2014 under division (B)(1) of this 33476  
section. The Department shall establish, as necessary, the fiscal 33477  
year 2014 base of any joint vocational school district that begins 33478  
receiving payments under section 3317.16 of the Revised Code for 33479  
fiscal year 2015, but does not receive such payments for fiscal 33480  
year 2014. The Department shall establish any such joint 33481

vocational school district's fiscal year 2014 base as an amount 33482  
equal to the absolute value of the sum of the associated 33483  
adjustments of any local school district's fiscal year 2014 base 33484  
under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of 33485  
the 130th General Assembly. 33486

(3) The Department shall reduce a district's payments under 33487  
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 33488  
Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th 33489  
General Assembly, proportionately as necessary in order to comply 33490  
with this division. If those amounts are insufficient, the 33491  
Department shall proportionately reduce a district's payments 33492  
under divisions (A)(2), (5), and (6) of section 3317.16 of the 33493  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 33494  
130th General Assembly. 33495

**Sec. 263.270. TEACHER CERTIFICATION AND LICENSURE** 33496

The foregoing appropriation item 200681, Teacher 33497  
Certification and Licensure, shall be used by the Department of 33498  
Education in each year of the biennium to administer and support 33499  
teacher certification and licensure activities. 33500

**SCHOOL DISTRICT SOLVENCY ASSISTANCE** 33501

(A) Of the foregoing appropriation item 200687, School 33502  
District Solvency Assistance, \$20,000,000 in each fiscal year 33503  
shall be allocated to the School District Shared Resource Account 33504  
and \$5,000,000 in each fiscal year shall be allocated to the 33505  
Catastrophic Expenditures Account. These funds shall be used to 33506  
provide assistance and grants to school districts to enable them 33507  
to remain solvent under section 3316.20 of the Revised Code. 33508  
Assistance and grants shall be subject to approval by the 33509  
Controlling Board. Except as provided under division (C) of this 33510  
section, any required reimbursements from school districts for 33511  
solvency assistance shall be made to the appropriate account in 33512

the School District Solvency Assistance Fund (Fund 5H30). 33513

(B) Notwithstanding any provision of law to the contrary, 33514  
upon the request of the Superintendent of Public Instruction, the 33515  
Director of Budget and Management may make transfers to the School 33516  
District Solvency Assistance Fund (Fund 5H30) from any fund used 33517  
by the Department of Education or the General Revenue Fund to 33518  
maintain sufficient cash balances in Fund 5H30 in fiscal years 33519  
2014 and 2015. Any cash transferred is hereby appropriated. The 33520  
transferred cash may be used by the Department of Education to 33521  
provide assistance and grants to school districts to enable them 33522  
to remain solvent and to pay unforeseeable expenses of a temporary 33523  
or emergency nature that the school district is unable to pay from 33524  
existing resources. The Director of Budget and Management shall 33525  
notify the members of the Controlling Board of any such transfers. 33526

(C) If the cash balance of the School District Solvency 33527  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 33528  
assistance in fiscal years 2014 and 2015, at the request of the 33529  
Superintendent of Public Instruction, and with the approval of the 33530  
Controlling Board, the Director of Budget and Management may 33531  
transfer cash from the Lottery Profits Education Reserve Fund 33532  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 33533  
school districts to enable them to remain solvent and to pay 33534  
unforeseeable expenses of a temporary nature that they are unable 33535  
to pay from existing resources under section 3316.20 of the 33536  
Revised Code. Such transfers are hereby appropriated to 33537  
appropriation item 200670, School District Solvency Assistance - 33538  
Lottery. Any required reimbursements from school districts for 33539  
solvency assistance granted from appropriation item 200670, School 33540  
District Solvency Assistance - Lottery, shall be made to Fund 33541  
7018. 33542

ADULT CAREER OPPORTUNITY PILOT PROGRAM 33543

The foregoing appropriation item 200654, Adult Career 33544

Opportunity Pilot Program, shall be used by the Superintendent of 33545  
Public Instruction to award and administer planning grants for the 33546  
Adult Career Opportunity Pilot Program established in section 33547  
3313.902 of the Revised Code. The Superintendent may award grants 33548  
of up to \$500,000 to not more than five eligible institutions. The 33549  
grants shall be used by selected eligible institutions to build 33550  
capacity to implement the program beginning in the 2015-2016 33551  
academic year. 33552

The Superintendent of Public Instruction and the Chancellor, 33553  
or their designees, shall develop an application process to award 33554  
these grants to eligible institutions geographically dispersed 33555  
across the state. Any remaining appropriation after providing 33556  
grants to eligible institutions may be used to provide technical 33557  
assistance to eligible institutions receiving the grant. 33558

The Superintendent, in consultation with the Chancellor, the 33559  
Governor's Office of Workforce Transformation, the Ohio 33560  
Association of Community Colleges, Ohio Technical Centers, Adult 33561  
Basic and Literacy Education programs, and other interested 33562  
parties as deemed necessary, or their designees, shall develop 33563  
recommendations for the method of funding and other associated 33564  
requirements for the Adult Career Opportunity Pilot Program. The 33565  
Superintendent shall provide a report of the recommendations to 33566  
the Governor, the President of the Senate, and the Speaker of the 33567  
House of Representatives by December 31, 2014. 33568

As used in this section, "eligible institution" has the same 33569  
meaning as in section 3313.902 of the Revised Code. 33570

**Sec. 263.320. LOTTERY PROFITS EDUCATION FUND** 33571

Appropriation item 200612, Foundation Funding (Fund 7017), 33572  
shall be used in conjunction with appropriation item 200550, 33573  
Foundation Funding (GRF), to provide state foundation payments to 33574  
school districts. 33575

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding (GRF), and appropriation item 200612, Foundation Funding (Fund 7017). If adjustments to the monthly distribution schedule are necessary, the Department of Education shall make such adjustments with the approval of the Director of Budget and Management.

CAREER ADVISING AND MENTORING PROGRAM

The foregoing appropriation item 200629, Career Advising and 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.

STRAIGHT A FUND

Of the foregoing appropriation item 200648, Straight A Fund, up to \$70,000 in each fiscal year shall be used by Kids Unlimited of Toledo for quality after-school tutoring and mentoring programs in two elementary school buildings in Lucas County. The school buildings may include any community school, chartered nonpublic school, or building that is part of a city, local, or exempted village school district. Kids Unlimited of Toledo shall provide



local matching funds equal to the set-aside. 33608

Of the foregoing appropriation item 200648, Straight A Fund, 33609  
up to \$250,000 in each fiscal year may be used to make competitive 33610  
grants in accordance with Section 263.324 of this act. 33611

Of the foregoing appropriation item 200648, Straight A Fund, 33612  
up to \$6,000,000 in fiscal year 2014 shall be distributed to the 33613  
Cleveland Municipal School District to be used, as determined by 33614  
the Department of Education, to implement provisions of Am. Sub. 33615  
H.B. 525 of the 129th General Assembly. 33616

Of the foregoing appropriation item 200648, Straight A Fund, 33617  
up to \$5,000,000 in each fiscal year shall be provided to school 33618  
districts that meet the conditions prescribed in division (G)(3) 33619  
of section 3317.0212 of the Revised Code to support innovations 33620  
that improve the efficiency of pupil transportation. This may 33621  
include, but is not limited to, the purchase of buses and other 33622  
equipment. The Department of Education shall distribute these 33623  
funds to districts based on each district's qualifying ridership 33624  
as reported under division (B) of section 3317.0212 of the Revised 33625  
Code. 33626

The remainder of appropriation item 200648, Straight A Fund, 33627  
shall be used to make competitive grants in accordance with 33628  
Section 263.325 of this act. 33629

EDCHOICE EXPANSION 33630

The foregoing appropriation item 200666, EdChoice Expansion, 33631  
shall be used as follows: 33632

(A) In fiscal year 2014, notwithstanding section 3310.032 of 33633  
the Revised Code, the Department of Education shall administer an 33634  
expansion of the Educational Choice Scholarship program as 33635  
follows: 33636

(1) A student is an "eligible student" for purposes of the 33637

expansion of the Educational Choice Scholarship Pilot Program 33638  
under division (A) of this section if the student's resident 33639  
district is not a school district in which the pilot project 33640  
scholarship program is operating under sections 3313.974 to 33641  
3313.979 of the Revised Code and the student's family income is at 33642  
or below two hundred per cent of the federal poverty guidelines, 33643  
as defined in section 5101.46 of the Revised Code. 33644

(2) The Department shall pay scholarships to attend chartered 33645  
nonpublic schools in accordance with section 3310.08 of the 33646  
Revised Code. The number of scholarships awarded under division 33647  
(A) of this section shall not exceed the number that can be funded 33648  
with appropriations made by the general assembly for this purpose. 33649

(3) Scholarships under division (A) of this section shall be 33650  
awarded for the 2013-2014 school year, to eligible students who 33651  
are entering kindergarten in that school year for the first time. 33652

(4) If the number of eligible students who apply for a 33653  
scholarship exceeds the scholarships available based on the 33654  
appropriation for division (A) of this section, the department 33655  
shall award scholarships in the following order of priority: 33656

(a) First, to eligible students with family incomes at or 33657  
below one hundred per cent of the federal poverty guidelines. 33658

(b) Second, to other eligible students who qualify under 33659  
division (A) of this section. If the number of students described 33660  
in division (A)(4)(b) of this section exceeds the number of 33661  
available scholarships after awards are made under division 33662  
(A)(4)(a) of this section, the department shall select students 33663  
described in division (A)(4)(b) of this section by lot to receive 33664  
any remaining scholarships. 33665

(5) A student who receives a scholarship under division (A) 33666  
of this section remains an eligible student and may continue to 33667  
receive scholarships under section 3310.032 of the Revised Code in 33668

subsequent school years until the student completes grade twelve, 33669  
so long as the student satisfies the conditions specified in 33670  
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 33671

Once a scholarship is awarded under this section, the student 33672  
shall remain eligible for that scholarship for the current and 33673  
subsequent school years, even if the student's family income rises 33674  
above the amount specified in division (A) of section 3310.032 of 33675  
the Revised Code, provided the student remains enrolled in a 33676  
chartered nonpublic school. 33677

(B) In fiscal year 2015, to provide for the scholarships 33678  
awarded under the expansion of the educational choice program 33679  
established under section 3310.032 of the Revised Code. The number 33680  
of scholarships awarded under the expansion of the educational 33681  
choice program shall not exceed the number that can be funded with 33682  
the appropriations made by the General Assembly for this purpose. 33683

COMMUNITY SCHOOL FACILITIES 33684

The foregoing appropriation item 200684, Community School 33685  
Facilities, shall be used to pay each community school established 33686  
under Chapter 3314. of the Revised Code that is not an internet- 33687  
or computer-based community school and each STEM school 33688  
established under Chapter 3326. of the Revised Code an amount 33689  
equal to \$100 for each full-time equivalent pupil for assistance 33690  
with the cost associated with facilities. If the amount 33691  
appropriated is not sufficient, the Department of Education shall 33692  
prorate the amounts so that the aggregate amount appropriated is 33693  
not exceeded. 33694

**Sec. 263.325.** (A) The Straight A Program is hereby created 33695  
for fiscal years 2014 and 2015 to provide grants to city, local, 33696  
exempted village, and joint vocational school districts, 33697  
educational service centers, community schools established under 33698  
Chapter 3314., STEM schools established under Chapter 3326., 33699

college-preparatory boarding schools established under Chapter 33700  
3328. of the Revised Code, individual school buildings, education 33701  
consortia (which may represent a partnership among school 33702  
districts, school buildings, community schools, or STEM schools), 33703  
institutions of higher education, and private entities partnering 33704  
with one or more of the educational entities identified in this 33705  
division for projects that aim to achieve significant advancement 33706  
in one or more of the following goals: 33707

(1) Student achievement; 33708

(2) Spending reduction in the five-year fiscal forecast 33709  
required under section 5705.391 of the Revised Code; 33710

(3) Utilization of a greater share of resources in the 33711  
classroom. 33712

(B)(1) Grants shall be awarded by a nine-member governing 33713  
board consisting of the Superintendent of Public Instruction, or 33714  
the Superintendent's designee, four members appointed by the 33715  
Governor, two members appointed by the Speaker of the House of 33716  
Representatives, and two members appointed by the President of the 33717  
Senate. The Department of Education shall provide administrative 33718  
support to the board. No member shall be compensated for the 33719  
member's service on the board. 33720

(2) The board shall select grant advisors with fiscal 33721  
expertise and education expertise. These advisors shall evaluate 33722  
proposals from grant applicants and advise the staff administering 33723  
the program. No advisor shall be compensated for this service. 33724

(3) The board shall issue an annual report to the Governor, 33725  
the Speaker of the House of Representatives, the President of the 33726  
Senate, and the chairpersons of the House and Senate committees 33727  
that primarily deal with education regarding the types of grants 33728  
awarded, the grant recipients, and the effectiveness of the grant 33729  
program. 33730

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant applications received under this section.

(C) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

If an education consortia described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, or STEM school that is a member of the consortia and shall so indicate on the grant application.

(D)(1) Within seventy-five days after receiving a grant application, the board shall issue a decision on the application of "yes," "no," "hold," or "edit." In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section to a school district, educational service center, community school, STEM school, college-preparatory boarding school, individual school building, institution of higher

education, or private entity partnering with one or more of the 33762  
educational entities identified in division (A) of this section 33763  
shall not exceed \$5,000,000 in each fiscal year. A grant awarded 33764  
to an education consortia shall not exceed \$15,000,000 in each 33765  
fiscal year. The Superintendent of Public Instruction may make 33766  
recommendations to the Controlling Board that these maximum 33767  
amounts be exceeded. Upon Controlling Board approval, grants may 33768  
be awarded in excess of these amounts. 33769

(2) If the board issues a "hold" or "edit" decision for an 33770  
application, it shall, upon returning the application to the 33771  
applicant, specify the process for reconsideration of the 33772  
application. An applicant may work with the grant advisors and 33773  
staff to modify or improve a grant application. 33774

(E) Upon deciding to award a grant to an applicant, the board 33775  
shall enter into a grant agreement with the applicant that 33776  
includes all of the following: 33777

(1) The content of the applicant's proposal as outlined under 33778  
division (C) of this section; 33779

(2) The project's deliverables and a timetable for their 33780  
completion; 33781

(3) Conditions for receiving grant funding; 33782

(4) Conditions for receiving funding in future years if the 33783  
contract is a multi-year contract; 33784

(5) A provision specifying that funding will be returned to 33785  
the board if the applicant fails to implement the agreement, as 33786  
determined by the Auditor of State. 33787

(6) A provision specifying that the agreement may be amended 33788  
by mutual agreement between the board and the applicant. 33789

(F) An advisory committee for the Straight A Program is 33790  
hereby established. The committee shall consist of not more than 33791

eleven members appointed by the Governor that represent all areas 33792  
of the state and different interests. The committee shall annually 33793  
review the Straight A Program and provide strategic advice to the 33794  
governing board and the Director of the Governor's Office of 21st 33795  
Century Education. 33796

(G) Each grant awarded under this section shall be subject to 33797  
approval by the Controlling Board prior to execution of the grant 33798  
agreement. 33799

(H) Notwithstanding Section 503.50 of Am. Sub. H.B. 59 of the 33800  
130th General Assembly, grants awarded under this section may be 33801  
used by grant recipients for grant-related expenses incurred for a 33802  
period not to exceed two years from the date of the award 33803  
according to guidelines established by the Straight A Fund 33804  
governing board. 33805

**Sec. 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY 33806**

General Revenue Fund 33807

GRF	715502	Auto Emissions	\$	10,923,093	\$	10,923,093	33808
		e-Check Program					

TOTAL GRF	General Revenue Fund	\$	10,923,093	\$	10,923,093	33809
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General Services Fund Group 33810

1990	715602	Laboratory Services	\$	252,153	\$	326,029	33811
2190	715604	Central Support	\$	10,255,680	\$	10,255,680	33812

Indirect

4A10	715640	Operating Expenses	\$	2,600,000	\$	2,602,000	33813
4D50	715618	Recycled State	\$	50,000	\$	50,000	33814

Materials

TOTAL GSF	General Services					33815
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Fund Group	\$	13,157,833	\$	13,233,709	33816
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Federal Special Revenue Fund Group 33817

3530	715612	Public Water Supply	\$	2,562,578	\$	2,474,605	33818
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3540	715614	Hazardous Waste Management - Federal	\$	4,088,383	\$	4,088,383	33819
3570	715619	Air Pollution Control - Federal	\$	6,310,203	\$	6,310,203	33820
3620	715605	Underground Injection Control - Federal	\$	111,874	\$	111,874	33821
3BU0	715684	Water Quality Protection	\$	16,205,000	\$	15,280,000	33822
3CS0	715688	Federal NRD Settlements	\$	200,000	\$	200,000	33823
3F20	715630	Revolving Loan Fund - Operating	\$	832,543	\$	1,114,543	33824
3F30	715632	Federally Supported Cleanup and Response	\$	3,012,021	\$	3,012,991	33825
3FH0	715693	Diesel Emission Reduction Grants	\$	10,000,000	\$	<del>10,000,000</del> <u>2,500,000</u>	33826
3T30	715669	Drinking Water State Revolving Fund	\$	2,609,198	\$	2,824,076	33827
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	33828
TOTAL FED Federal Special Revenue Fund Group							33829
							\$
							46,531,800
							\$
							<del>46,016,675</del> <u>38,516,675</u>
State Special Revenue Fund Group							33831
4J00	715638	Underground Injection Control	\$	389,126	\$	402,697	33832
4K20	715648	Clean Air - Non Title V	\$	3,165,400	\$	3,237,450	33833
4K30	715649	Solid Waste	\$	15,685,342	\$	16,330,873	33834
4K40	715650	Surface Water Protection	\$	6,993,800	\$	7,688,800	33835
4K40	715686	Environmental Laboratory Services	\$	2,096,007	\$	2,096,007	33836
4K50	715651	Drinking Water	\$	6,316,772	\$	6,476,011	33837



		Protection				
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000 33838
4R50	715656	Scrap Tire Management	\$	1,059,378	\$	1,070,532 33839
4R90	715658	Voluntary Action	\$	916,690	\$	945,195 33840
		Program				
4T30	715659	Clean Air - Title V	\$	14,528,885	\$	15,080,366 33841
		Permit Program				
4U70	715660	Construction and	\$	335,000	\$	335,000 33842
		Demolition Debris				
5000	715608	Immediate Removal	\$	660,033	\$	660,293 33843
		Special Account				
5030	715621	Hazardous Waste	\$	7,615,403	\$	8,224,041 33844
		Facility Management				
5050	715623	Hazardous Waste	\$	14,528,609	\$	14,933,345 33845
		Cleanup				
5050	715674	Clean Ohio	\$	108,104	\$	108,104 33846
		Environmental Review				
5320	715646	Recycling and Litter	\$	4,514,500	\$	4,535,500 33847
		Control				
5410	715670	Site Specific Cleanup	\$	1,548,101	\$	1,548,101 33848
5420	715671	Risk Management	\$	208,936	\$	214,826 33849
		Reporting				
5860	715637	Scrap Tire Market	\$	1,497,645	\$	1,497,645 33850
		Development				
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455 33851
5BC0	715622	Local Air Pollution	\$	2,297,980	\$	2,297,980 33852
		Control				
5BC0	715624	Surface Water	\$	9,614,974	\$	9,614,974 33853
5BC0	715672	Air Pollution Control	\$	5,684,758	\$	5,684,758 33854
5BC0	715673	Drinking and Ground	\$	4,863,521	\$	4,863,521 33855
		Water				
5BC0	715676	Assistance and	\$	695,069	\$	695,069 33856
		Prevention				

5BC0	715677	Laboratory	\$	1,358,586	\$	1,558,586	33857
5BC0	715678	Corrective Actions	\$	705,423	\$	705,423	33858
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	33859
		Agencies					
5BC0	715692	Administration	\$	10,582,627	\$	10,582,627	33860
5BC0	715694	Environmental Resource	\$	170,000	\$	170,000	33861
		Coordination					
5BT0	715679	C&DD Groundwater	\$	203,800	\$	203,800	33862
		Monitoring					
5CD0	715682	Clean Diesel School	\$	475,000	\$	475,000	33863
		Buses					
5H40	715664	Groundwater Support	\$	128,212	\$	223,212	33864
5Y30	715685	Surface Water	\$	1,800,000	\$	1,800,000	33865
		Improvement					
6440	715631	Emergency Response	\$	284,266	\$	290,674	33866
		Radiological Safety					
6600	715629	Infectious Waste	\$	88,764	\$	88,764	33867
		Management					
6760	715642	Water Pollution	\$	3,921,605	\$	3,921,605	33868
		Control Loan					
		Administration					
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	33869
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	33870
6960	715643	Air Pollution Control	\$	1,100,000	\$	1,125,000	33871
		Administration					
6990	715644	Water Pollution	\$	345,000	\$	345,000	33872
		Control Administration					
6A10	715645	Environmental	\$	1,350,000	\$	1,350,000	33873
		Education					
TOTAL	SSR	State Special Revenue	\$	131,755,659	\$	135,299,122	33874
		Fund Group					
		Clean Ohio Conservation Fund Group					33875
5S10	715607	Clean Ohio -	\$	284,124	\$	284,124	33876

Operating

TOTAL CLF Clean Ohio Conservation	\$	284,124	\$	284,124	33877
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	202,652,509	\$	<del>205,756,723</del> <u>198,256,723</u>	33878

AREAWIDE PLANNING AGENCIES 33879

The Director of Environmental Protection Agency may award 33880  
grants from appropriation item 715687, Areawide Planning Agencies, 33881  
to areawide planning agencies engaged in areawide water quality 33882  
management and planning activities in accordance with Section 208 33883  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 33884

CASH TRANSFERS 33885

On July 1, 2013, or as soon as possible thereafter, the 33886  
Director of Budget and Management may transfer up to \$11,400,000 33887  
cash from the Hazardous Waste Management Fund (Fund 5030) to the 33888  
Hazardous Waste Cleanup Fund (Fund 5050) to support closure and 33889  
corrective action programs that were transferred to the Division 33890  
of Environmental Response and Revitalization. 33891

On July 1, 2013, or as soon as possible thereafter, the 33892  
Director of Environmental Protection shall certify to the Director 33893  
of Budget and Management the cash balance in the Dredge and Fill 33894  
Fund (Fund 5N20). The Director of Budget and Management shall 33895  
transfer the certified amount from Fund 5N20 to the Surface Water 33896  
Protection Fund (Fund 4K40). Any existing encumbrances against 33897  
appropriation item 715613, Dredge and Fill, shall be canceled and 33898  
reestablished against appropriation item 715650, Surface Water 33899  
Protection. The reestablished encumbrance amounts are hereby 33900  
appropriated and Fund 5N20 is abolished. 33901

**Sec. 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION** 33902

General Revenue Fund 33903

GRF	230401	Lease Rental Payments	\$	33,106,400	\$	29,854,500	33904
		- Cultural Facilities					
GRF	230458	State Construction	\$	2,495,751	\$	2,245,751	33905
		Management Services					
GRF	230908	Common Schools	\$	<del>351,806,100</del>	\$	<del>377,364,700</del>	33906
		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>	33907
				<u>368,108,251</u>		<u>390,464,951</u>	
		General Services Fund Group					33908
1310	230639	State Construction	\$	9,463,342	\$	9,463,342	33909
		Management Operations					
TOTAL GSF		General Services Fund	\$	9,463,342	\$	9,463,342	33910
		Group					
		State Special Revenue Fund Group					33911
4T80	230603	Community Project	\$	200,000	\$	200,000	33912
		Administration					
5E30	230644	Operating Expenses	\$	8,550,000	\$	8,550,000	33913
TOTAL SSR		State Special Revenue					33914
		Fund Group	\$	8,750,000	\$	8,750,000	33915
TOTAL ALL BUDGET FUND GROUPS			\$	<del>405,621,593</del>	\$	<del>427,678,293</del>	33916
				<u>386,321,593</u>		<u>408,678,293</u>	

**Sec. 282.30. COMMUNITY PROJECT ADMINISTRATION** 33918

The foregoing appropriation item 230603, Community Project 33919  
Administration, shall be used by the Ohio Facilities Construction 33920  
Commission in administering Cultural and Sports Facilities 33921  
Building Fund (Fund 7030) projects pursuant to section 123.201 of 33922  
the Revised Code. 33923

TRANSFERS TO CULTURAL FACILITIES ADMINISTRATION FUND 33924

By the tenth day following each calendar quarter in each 33925  
fiscal year, or as soon as possible thereafter, the Director of 33926

Budget and Management shall determine the amount of cash, if any, 33927  
to be transferred from the Cultural and Sports Facilities Building 33928  
Fund (Fund 7030) to the Cultural Facilities Administration Fund 33929  
(Fund 4T80). 33930

As soon as possible after each bond issuance made on behalf 33931  
of the Facilities Construction Commission, the Director of Budget 33932  
and Management shall determine the amount of cash, if any, from 33933  
the bond proceeds to be transferred, after all issuance costs have 33934  
been paid, from Fund 7030 to Fund 4T80. 33935

**Sec. 285.10. DOH DEPARTMENT OF HEALTH** 33936

General Revenue Fund 33937

GRF 440412	Cancer Incidence	\$	600,000	\$	600,000	33938
	Surveillance System					
GRF 440413	Local Health	\$	823,061	\$	823,061	33939
	Departments					
GRF 440416	Mothers and Children	\$	4,428,015	\$	4,428,015	33940
	Safety Net Services					
GRF 440418	Immunizations	\$	8,825,829	\$	8,825,829	33941
GRF 440431	Free Clinics Safety	\$	437,326	\$	437,326	33942
	Net Services					
GRF 440438	Breast and Cervical	\$	823,217	\$	823,217	33943
	Cancer Screening					
GRF 440444	AIDS Prevention and	\$	5,842,315	\$	5,842,315	33944
	Treatment					
GRF 440451	Public Health	\$	3,655,449	\$	<del>3,655,449</del>	33945
	Laboratory				<u>4,305,449</u>	
GRF 440452	Child and Family	\$	630,444	\$	630,444	33946
	Health Services Match					
GRF 440453	Health Care Quality	\$	4,874,361	\$	4,874,361	33947
	Assurance					
GRF 440454	Environmental Health	\$	1,194,634	\$	1,194,634	33948

GRF 440459	Help Me Grow	\$	33,673,987	\$	33,673,987	33949
GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	33950
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	33951
GRF 440468	Chronic Disease and Injury Prevention	\$	2,447,251	\$	2,447,251	33952
GRF 440472	Alcohol Testing	\$	1,100,000	\$	1,100,000	33953
GRF 440473	Tobacco Prevention and Cessation	\$	1,050,000	\$	1,050,000	33954
GRF 440474	Infant Vitality	\$	3,116,688	\$	3,116,688	33955
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	33956
GRF 440507	Targeted Health Care Services Over 21	\$	1,045,414	\$	1,045,414	33957
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,300,000	\$	3,300,000	33958
TOTAL GRF General Revenue Fund		\$	88,607,614	\$	<del>88,607,614</del> <u>89,257,614</u>	33959
State Highway Safety Fund Group						33960
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	33961
TOTAL HSF State Highway Safety Fund Group						33962
		\$	233,894	\$	233,894	33963
General Services Fund Group						33964
1420 440646	Agency Health Services	\$	820,998	\$	820,998	33965
2110 440613	Central Support Indirect Costs	\$	30,615,591	\$	<del>31,052,469</del> <u>30,052,469</u>	33966
4730 440622	Lab Operating Expenses	\$	5,000,000	\$	5,000,000	33967
6980 440634	Nurse Aide Training	\$	99,265	\$	99,265	33968
TOTAL GSF General Services Fund Group						33969
		\$	36,535,854	\$	<del>36,972,732</del>	33970

					<u>35,972,732</u>	
	Federal Special Revenue Fund Group					33971
3200	440601	Maternal Child Health Block Grant	\$	23,889,057	\$	23,889,057 33972
3870	440602	Preventive Health Block Grant	\$	6,000,000	\$	6,000,000 33973
3890	440604	Women, Infants, and Children	\$	250,000,000	\$	250,000,000 33974
3910	440606	Medicare Survey and Certification	\$	19,449,282	\$	19,961,405 33975
3920	440618	Federal Public Health Programs	\$	134,546,304	\$	135,140,586 33976
3GD0	654601	Medicaid Program Support	\$	21,126,014	\$	22,392,094 33977
	TOTAL FED Federal Special Revenue Fund Group					33978
			\$	455,010,657	\$	457,383,142 33979
	State Special Revenue Fund Group					33980
4700	440647	Fee Supported Programs	\$	25,305,250	\$	25,613,586 33981
4710	440619	Certificate of Need	\$	878,433	\$	878,433 33982
4770	440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703 33983
4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039 33984
4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824 33985
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000 33986
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000 33987
4L30	440609	HIV Care and Miscellaneous Expenses	\$	8,333,164	\$	8,333,164 33988

4P40	440628	Ohio Physician Loan	\$	476,870	\$	476,870	33989
		Repayment					
4V60	440641	Save Our Sight	\$	2,255,789	\$	2,255,789	33990
5B50	440616	Quality, Monitoring,	\$	878,997	\$	878,997	33991
		and Inspection					
5CN0	440645	Choose Life	\$	75,000	\$	75,000	33992
5D60	440620	Second Chance Trust	\$	1,151,902	\$	1,151,902	33993
5ED0	440651	Smoke Free Indoor Air	\$	250,000	\$	250,000	33994
5G40	440639	Adoption Services	\$	20,000	\$	20,000	33995
<u>5PE0</u>	<u>440659</u>	<u>Breast and Cervical</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>100,000</u>	33996
		<u>Cancer Services</u>					
5Z70	440624	Ohio Dentist Loan	\$	140,000	\$	140,000	33997
		Repayment					
6100	440626	Radiation Emergency	\$	1,049,954	\$	1,086,098	33998
		Response					
6660	440607	Medically Handicapped	\$	19,739,617	\$	19,739,617	33999
		Children - County					
		Assessments					
TOTAL SSR State Special Revenue							34000
Fund Group			\$	68,601,542	\$	<del>68,946,022</del>	34001
						<u>69,046,022</u>	
Holding Account Redistribution Fund Group							34002
R014	440631	Vital Statistics	\$	44,986	\$	44,986	34003
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	34004
		Reconciliation, and					
		Audit Settlements					
TOTAL 090 Holding Account							34005
Redistribution Fund Group			\$	64,986	\$	64,986	34006
Tobacco Master Settlement Agreement Fund Group							34007
5BX0	440656	Tobacco Use	\$	1,450,000	\$	<del>1,450,000</del>	34008
		Prevention				<u>6,350,000</u>	
TOTAL TSF Tobacco Master Settlement			\$	1,450,000	\$	<del>1,450,000</del>	34009



Agreement Fund Group			<u>6,350,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	650,504,547	\$ <del>653,658,390</del>	34010
			<u>658,308,390</u>	

**Sec. 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 34012

Of the foregoing appropriation item 440416, Mothers and 34013  
Children Safety Net Services, \$200,000 in each fiscal year shall 34014  
be used to assist families with hearing impaired children under 34015  
twenty-one years of age in purchasing hearing aids. The Director 34016  
of Health shall adopt rules governing the distribution of these 34017  
funds, including rules that do both of the following: (1) 34018  
establish eligibility criteria to include families with incomes at 34019  
or below four hundred per cent of the federal poverty guidelines 34020  
as defined in section 5101.46 of the Revised Code, and (2) develop 34021  
a sliding scale of disbursements under this section based on 34022  
family income. The Director may adopt other rules as necessary to 34023  
implement this section. Rules adopted under this section shall be 34024  
adopted in accordance with Chapter 119. of the Revised Code. 34025

The Department shall disburse all of the funds appropriated 34026  
under this section. 34027

**HIV/AIDS PREVENTION/TREATMENT** 34028

The foregoing appropriation item 440444, AIDS Prevention and 34029  
Treatment, shall be used to assist persons with HIV/AIDS in 34030  
acquiring HIV-related medications and to administer educational 34031  
prevention initiatives. 34032

**PUBLIC HEALTH LABORATORY** 34033

A portion of the foregoing appropriation item 440451, Public 34034  
Health Laboratory, shall be used for coordination and management 34035  
of prevention program operations and the purchase of drugs for 34036  
sexually transmitted diseases. 34037

**HELP ME GROW** 34038

The foregoing appropriation item 440459, Help Me Grow, shall 34039  
be used by the Department of Health to implement the Help Me Grow 34040  
Program. Funds shall be distributed to counties through 34041  
agreements, contracts, grants, or subsidies in accordance with 34042  
section 3701.61 of the Revised Code. Appropriation item 440459, 34043  
Help Me Grow, may be used in conjunction with other early 34044  
childhood funds and services to promote the optimal development of 34045  
young children and family-centered programs and services that 34046  
acknowledge and support the social, emotional, cognitive, 34047  
intellectual, and physical development of children and the vital 34048  
role of families in ensuring the well-being and success of 34049  
children. The Department of Health shall enter into interagency 34050  
agreements with the Department of Education, Department of 34051  
Developmental Disabilities, Department of Job and Family Services, 34052  
and Department of Mental Health and Addiction Services to ensure 34053  
that all early childhood programs and initiatives are coordinated 34054  
and school linked. 34055

The foregoing appropriation item 440459, Help Me Grow, may 34056  
also be used for the Developmental Autism and Screening Program. 34057

INFANT VITALITY 34058

The foregoing appropriation item 440474, Infant Vitality, 34059  
shall be used to fund the following projects, which are hereby 34060  
created: 34061

(A) The Infant Safe Sleep Campaign to educate parents and 34062  
caregivers with a uniform message regarding safe sleep 34063  
environments; 34064

(B) The Progesterone Prematurity Prevention Project to enable 34065  
prenatal care providers to identify, screen, treat, and track 34066  
outcomes for women eligible for progesterone supplementation; and 34067

(C) The Prenatal Smoking Cessation Project to enable prenatal 34068  
care providers who work with women of reproductive age, including 34069

pregnant women, to have the tools, training, and technical 34070  
assistance needed to treat smokers effectively. 34071

CENTERINGPREGNANCY PILOT PROGRAM 34072

On July 1, 2014, or as soon as possible thereafter, the 34073  
Director of Budget and Management shall transfer \$1,600,000 cash 34074  
from the unallocated and unencumbered portion of the Health Care 34075  
Grants-Federal Fund (Fund 3FA0) used by the Department of Medicaid 34076  
to the Prenatal Group Health Care Pilot Program Fund used by the 34077  
Department of Health, which is hereby created. The transferred 34078  
moneys are hereby appropriated. 34079

The transferred moneys shall be used to implement the 34080  
CenteringPregnancy model of care and the University of Cincinnati 34081  
Social Determinants Program developed by the Centering Healthcare 34082  
Institute and the University of Cincinnati Division of Community 34083  
Women's Health in a three-year pilot program at four federally 34084  
qualified health centers. Each federally qualified health center 34085  
or look-alike selected by the Director of Health to operate the 34086  
pilot program shall receive \$200,000. The Ohio Association of 34087  
Community Health Centers shall receive \$100,000 and the University 34088  
of Cincinnati Social Determinants Program Division of Community 34089  
Women's Health shall receive \$600,000. The Department of Health 34090  
shall retain \$100,000 to implement the program. 34091

TARGETED HEALTH CARE SERVICES OVER 21 34092

The foregoing appropriation item 440507, Targeted Health Care 34093  
Services Over 21, shall be used to administer the Cystic Fibrosis 34094  
Program and to implement the Hemophilia Insurance Premium Payment 34095  
Program. 34096

The foregoing appropriation item 440507, Targeted Health Care 34097  
Services Over 21, shall also be used to provide essential 34098  
medications and to pay the copayments for drugs approved by the 34099  
Department of Health and covered by Medicare Part D that are 34100

dispensed to Bureau for Children with Medical Handicaps (BCMh) 34101  
participants for the Cystic Fibrosis Program. 34102

The Department shall expend all of these funds. 34103

CASH TRANSFERS TO THE MEDICAID FUND 34104

On July 1, 2013, or as soon as possible thereafter, the 34105  
Director of Health shall certify to the Director of Budget and 34106  
Management the cash balance relating to Medicaid restructuring in 34107  
the following funds, all used by the Department of Health: the 34108  
General Operations Fund (Fund 4700); the General Operations Fund 34109  
(Fund 1420); the General Operations Fund (Fund 3920); and the 34110  
Medicaid/Medicare Fund (Fund 3910). Upon receiving this 34111  
certification, the Director of Budget and Management may transfer 34112  
the amount certified to the Medicaid Fund (Fund 3GD0), used by the 34113  
Department of Health. If this transfer occurs, the Director of 34114  
Budget and Management shall cancel any existing encumbrances 34115  
pertaining to Medicaid in appropriation items 440647, Fee 34116  
Supported Programs, 440646, Agency Health Services, 440618, 34117  
Federal Public Health Programs, and 440606, Medicare Survey and 34118  
Certification, and reestablish them against appropriation item 34119  
654601, Medicaid Program Support. The reestablished encumbrance 34120  
amounts are hereby appropriated. 34121

GENETICS SERVICES 34122

The foregoing appropriation item 440608, Genetics Services 34123  
(Fund 4D60), shall be used by the Department of Health to 34124  
administer programs authorized by sections 3701.501 and 3701.502 34125  
of the Revised Code. None of these funds shall be used to counsel 34126  
or refer for abortion, except in the case of a medical emergency. 34127

MEDICALLY HANDICAPPED CHILDREN AUDIT 34128

The Medically Handicapped Children Audit Fund (Fund 4770) 34129  
shall receive revenue from audits of hospitals and recoveries from 34130  
third-party payers. Moneys may be expended for payment of audit 34131

settlements and for costs directly related to obtaining recoveries 34132  
from third-party payers and for encouraging Medically Handicapped 34133  
Children's Program recipients to apply for third-party benefits. 34134  
Moneys also may be expended for payments for diagnostic and 34135  
treatment services on behalf of medically handicapped children, as 34136  
defined in division (A) of section 3701.022 of the Revised Code, 34137  
and Ohio residents who are twenty-one or more years of age and who 34138  
are suffering from cystic fibrosis or hemophilia. Moneys may also 34139  
be expended for administrative expenses incurred in operating the 34140  
Medically Handicapped Children's Program. 34141

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 34142

The foregoing appropriation item 440607, Medically 34143  
Handicapped Children - County Assessments (Fund 6660), shall be 34144  
used to make payments under division (E) of section 3701.023 of 34145  
the Revised Code. 34146

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 34147  
THE TOBACCO USE PREVENTION FUND 34148

On July 1, 2013, or as soon as possible thereafter, the 34149  
Director of Budget and Management shall transfer \$2,439,230 cash 34150  
from the Public Health Priorities Trust Fund (Fund L087) to the 34151  
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 34152  
needs of the Department of Health's tobacco enforcement and 34153  
cessation efforts. 34154

CASH TRANSFER FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 34155  
FUND TO THE TOBACCO USE PREVENTION FUND 34156

Notwithstanding Section 512.20 of Am. Sub. H.B. 487 of the 34157  
129th General Assembly, on July 1, 2014, or as soon as possible 34158  
thereafter, the Director of Budget and Management may transfer 34159  
cash determined to be in excess of the tobacco enforcement needs 34160  
of the Attorney General from the Pre-Securitization Tobacco 34161  
Payments Fund (Fund 5LS0) to the Tobacco Use Prevention Fund (Fund 34162

<u>5BX0).</u>					34163	
<b>Sec. 301.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>					34164	
General Revenue Fund					34165	
GRF 600321	Program Support	\$	31,320,964	\$	31,109,751	34166
GRF 600410	TANF State/Maintenance of Effort	\$	152,386,934	\$	152,386,934	34167
GRF 600413	Child Care State/Maintenance of Effort	\$	84,732,730	\$	84,732,730	34168
GRF 600416	Information Technology Projects	\$	54,223,871	\$	54,184,700	34169
GRF 600420	Child Support Programs	\$	6,498,667	\$	6,591,048	34170
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930	34171
GRF 600423	Families and Children Programs	\$	6,384,514	\$	6,542,517	34172
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	34173
GRF 600511	Disability Financial Assistance	\$	22,000,000	\$	22,000,000	34174
GRF 600521	Family Assistance - Local	\$	41,132,751	\$	41,132,751	34175
GRF 600523	Family and Children Services	\$	54,255,323	\$	<del>54,255,323</del> <u>57,455,323</u>	34176
GRF 600528	Adoption Services					34177
	State	\$	28,623,389	\$	28,623,389	34178
	Federal	\$	38,202,557	\$	38,202,557	34179
	Adoption Services Total	\$	66,825,946	\$	66,825,946	34180
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	13,500,000	\$	13,500,000	34181
GRF 600534	Adult Protective	\$	500,000	\$	500,000	34182

	Services				
GRF 600535	Early Care and Education	\$	123,596,474	\$	123,596,474
					34183
GRF 600540	Food Banks	\$	6,000,000	\$	6,000,000
					34184
GRF 600541	Kinship Permanency Incentive Program	\$	3,500,000	\$	3,500,000
					34185
GRF 655522	Medicaid Program Support - Local	\$	38,267,970	\$	38,267,970
					34186
GRF 655523	Medicaid Program Support - Local	\$	30,680,495	\$	30,680,495
					34187
	Transportation				
TOTAL GRF	General Revenue Fund				34188
	State	\$	724,580,115	\$	<del>724,580,115</del>
					<u>727,780,115</u>
	Federal	\$	38,202,557	\$	38,202,557
					34190
	GRF Total	\$	762,782,672	\$	<del>762,782,672</del>
					<u>765,982,672</u>
	General Services Fund Group				34192
4A80 600658	Public Assistance Activities	\$	34,000,000	\$	34,000,000
					34193
5DM0 600633	Administration & Operating	\$	19,660,339	\$	19,660,339
					34194
5HC0 600695	Unemployment Compensation Interest	\$	60,000,000	\$	60,000,000
					34195
5HL0 600602	State and County Shared Services	\$	3,020,000	\$	3,020,000
					34196
TOTAL GSF	General Services Fund Group				34197
		\$	124,780,339	\$	116,773,328
					34198
	Federal Special Revenue Fund Group				34199
3270 600606	Child Welfare	\$	29,769,866	\$	29,769,866
					34200
3310 600615	Veterans Programs	\$	8,000,000	\$	8,000,000
					34201
3310 600624	Employment Services	\$	26,000,000	\$	26,000,000
					34202

		Programs				
3310	600686	Workforce Programs	\$	6,260,000	\$	6,260,000 34203
3840	600610	Food Assistance	\$	209,333,246	\$	180,381,394 34204
		Programs				
3850	600614	Refugee Services	\$	12,564,952	\$	12,564,952 34205
3950	600616	Federal Discretionary	\$	2,259,264	\$	2,259,264 34206
		Grants				
3960	600620	Social Services Block Grant	\$	47,000,000	\$	47,000,000 34207
3970	600626	Child Support - Federal	\$	235,000,000	\$	235,000,000 34208
3980	600627	Adoption Program - Federal	\$	174,178,779	\$	174,178,779 34209
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000 34210
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699 34211
3F01	655624	Medicaid Program Support	\$	110,680,495	\$	110,680,495 34212
3H70	600617	Child Care Federal	\$	241,987,805	\$	222,212,089 34213
3N00	600628	Foster Care Program - Federal	\$	311,968,616	\$	311,968,616 34214
3S50	600622	Child Support Projects	\$	534,050	\$	534,050 34215
3V00	600688	Workforce Investment Act Programs	\$	136,000,000	\$	136,000,000 34216
3V40	600678	Federal Unemployment Programs	\$	182,814,212	\$	182,814,212 34217
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$	6,185,788 34218
3V60	600689	TANF Block Grant	\$	777,957,809	\$	790,304,845 34219
TOTAL FED		Federal Special Revenue				34220
Fund Group			\$	2,526,972,581	\$	2,490,592,049 34221
State Special Revenue		Fund Group				34222



1980	600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	34223
4A90	600607	Unemployment	\$	9,006,000	\$	<del>9,006,000</del>	34224
		Compensation				<u>12,506,000</u>	
		Administration Fund					
4E70	600604	Family and Children	\$	400,000	\$	400,000	34225
		Services Collections					
4F10	600609	Family and Children	\$	683,549	\$	683,549	34226
		Activities					
5DB0	600637	Military Injury Relief	\$	2,000,000	\$	2,000,000	34227
		Subsidies					
5DP0	600634	Adoption Assistance	\$	500,000	\$	500,000	34228
		Loan					
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	34229
5KU0	600611	Unemployment	\$	2,000,000	\$	2,000,000	34230
		Compensation Support -					
		Other Sources					
5NG0	600660	Victims of Human	\$	100,000	\$	100,000	34231
		Trafficking					
5U60	600663	Family and Children	\$	4,000,000	\$	4,000,000	34232
		Support					
TOTAL SSR		State Special Revenue					34233
Fund Group			\$	25,063,397	\$	<del>25,063,397</del>	34234
						<u>28,563,397</u>	
Agency Fund Group							34235
1920	600646	Child Support	\$	129,250,000	\$	129,250,000	34236
		Intercept - Federal					
5830	600642	Child Support	\$	14,000,000	\$	14,000,000	34237
		Intercept - State					
5B60	600601	Food Assistance	\$	1,000,000	\$	1,000,000	34238
		Intercept					
TOTAL AGY		Agency Fund Group	\$	144,250,000	\$	144,250,000	34239
Holding Account		Redistribution Fund Group					34240

R012 600643	Refunds and Audit	\$	2,200,000	\$	2,200,000	34241
	Settlements					
R013 600644	Forgery Collections	\$	10,000	\$	10,000	34242
TOTAL 090 Holding Account		\$	2,210,000	\$	2,210,000	34243
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	3,586,058,989	\$	<del>3,541,671,446</del>	34244
					<u>3,548,371,446</u>	

**Sec. 301.33. BIG BROTHERS BIG SISTERS** 34246

Of the foregoing appropriation item 600410, TANF 34247  
 State/Maintenance of Effort, \$1,000,000 in each fiscal year shall 34248  
 be provided, in accordance with sections 5101.80 and 5101.801 of 34249  
 the Revised Code, to Big Brothers Big Sisters of Central Ohio to 34250  
 provide mentoring services to children of incarcerated parents 34251  
 throughout the state. Upon the request of the Director of Job and 34252  
Family Services, the Director of Budget and Management may 34253  
transfer any amount of this earmark that remains unspent at the 34254  
end of fiscal year 2014 to fiscal year 2015. Any amount 34255  
transferred is hereby reappropriated to appropriation item 600410, 34256  
TANF State/Maintenance of Effort, for the same purpose in fiscal 34257  
year 2015. 34258

**Sec. 301.40. COUNTY ADMINISTRATIVE FUNDS** 34259

(A) The foregoing appropriation item 600521, Family 34260  
 Assistance - Local, may be provided to county departments of job 34261  
 and family services to administer food assistance and disability 34262  
 assistance programs. 34263

(B) The foregoing appropriation item 655522, Medicaid Program 34264  
 Support - Local, may be provided to county departments of job and 34265  
 family services to administer the Medicaid program and the State 34266  
 Children's Health Insurance program. 34267

(C) At the request of the Director of Job and Family 34268

Services, the Director of Budget and Management may transfer 34269  
appropriations between appropriation item 600521, Family 34270  
Assistance - Local, and appropriation item 655522, Medicaid 34271  
Program Support - Local, in order to ensure county administrative 34272  
funds are expended from the proper appropriation item. 34273

(D) If receipts credited to the Medicaid Program Support Fund 34274  
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 34275  
(Fund 3840) exceed the amounts appropriated, the Director of Job 34276  
and Family Services shall request the Director of Budget and 34277  
Management to authorize expenditures from those funds in excess of 34278  
the amounts appropriated. Upon approval of the Director of Budget 34279  
and Management, the additional amounts are hereby appropriated. 34280

**Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES** 34281

Of the foregoing appropriation item 600523, Family and 34282  
Children Services, \$150,000 in each fiscal year shall be provided 34283  
to children's crisis care facilities, as defined in section 34284  
5103.13 of the Revised Code. The Director of Job and Family 34285  
Services shall allocate funds based on the number of children at 34286  
each facility. A children's crisis care facility may decline to 34287  
receive funds provided for under this section. A children's crisis 34288  
care facility that accepts funds provided under this section shall 34289  
use the funds in accordance with section 5103.13 of the Revised 34290  
Code and rules in section 5101:2-9-36 of the Administrative Code. 34291

STATE CHILD PROTECTION ALLOCATION 34292

Of the foregoing appropriation item 600523, Family and 34293  
Children Services, up to \$3,200,000 shall be used to match 34294  
eligible federal Title IV-B ESSA funds and federal Title IV-E 34295  
Chafee funds allocated to public children services agencies. 34296

(A) The Ohio Department of Job and Family Services shall 34297  
implement and oversee use of a Child Placement Level of Care Tool 34298

on a pilot basis. The Department shall implement the pilot program 34299  
in up to ten counties selected by the Department and shall include 34300  
the county and at least one private child placing agency or 34301  
private noncustodial agency. The pilot program shall be developed 34302  
with the participating counties and agencies and must be 34303  
acceptable to all participants. A selected county or agency must 34304  
agree to participate in the pilot program. 34305

(B) The pilot program shall begin not later than one hundred 34306  
eighty days after the effective date of this section and end not 34307  
later than eighteen months after the date the pilot program 34308  
begins. The length of the pilot program shall not include any time 34309  
expended in preparation for implementation or any post-pilot 34310  
program evaluation activity. 34311

(C)(1) In accordance with sections 125.01 to 125.11 of the 34312  
Revised Code, the Ohio Department of Job and Family Services shall 34313  
provide for an independent evaluation of the pilot program to rate 34314  
the program's success in the following areas: 34315

(a) Placement stability, length of stay, and other outcomes 34316  
for children; 34317

(b) Cost; 34318

(c) Worker satisfaction; 34319

(d) Any other criteria the Department determines will be 34320  
useful in the consideration of statewide implementation. 34321

(2) The evaluation design shall include: 34322

(a) A comparison of data to historical outcomes or control 34323  
counties; 34324

(b) A prospective data evaluation in each of the pilot 34325  
counties. 34326

(D) The Ohio Department of Job and Family Services may adopt 34327  
rules in accordance with Chapter 119. of the Revised Code as 34328

necessary to carry out the purposes of this section. The 34329  
Department shall seek maximum federal financial participation to 34330  
support the pilot program and the evaluation. 34331

(E) Notwithstanding division (E) of section 5101.141 of the 34332  
Revised Code, the Department of Job and Family Services shall seek 34333  
state funding to implement the Child Placement Level of Care Tool 34334  
pilot program described in this section and to contract for the 34335  
independent evaluation of the pilot program. 34336

(F) As used in this section, "Child Placement Level of Care 34337  
Tool" means an assessment tool to be used by participating 34338  
counties and agencies to assess a child's placement needs when a 34339  
child must be removed from the child's own home and cannot be 34340  
placed with a relative or kin not certified as a foster caregiver 34341  
that includes assessing a child's functioning, needs, strengths, 34342  
risk behaviors, and exposure to traumatic experiences. 34343

**Sec. 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 34344  
**SERVICES** 34345

General Revenue Fund 34346

GRF 333321 Central \$ 13,495,337 \$ 13,486,290 34347

Administration

GRF 333402 Resident Trainees \$ 450,000 \$ 450,000 34348

GRF 333415 Lease-Rental Payments \$ ~~15,843,300~~ \$ 16,076,700 34349

14,743,300

GRF 333416 Research Program \$ 321,998 \$ 321,998 34350

Evaluation

GRF 334412 Hospital Services \$ 190,514,437 \$ 190,514,437 34351

GRF 334506 Court Costs \$ 784,210 \$ 784,210 34352

GRF 335405 Family & Children \$ 1,386,000 \$ 1,386,000 34353

First

GRF 335406 Prevention and \$ 868,659 \$ 868,659 34354

Wellness

GRF	335421	Continuum of Care Services	\$	77,733,742	\$	77,633,742	34355
GRF	335422	Criminal Justice Services	\$	4,917,898	\$	4,917,898	34356
GRF	335504	Community Innovations	\$	6,500,000	\$	1,500,000	34357
GRF	335506	Residential State Supplement	\$	7,502,875	\$	7,502,875	34358
GRF	335507	Community Behavioral Health	\$	47,500,000	\$	47,500,000	34359
GRF	652507	Medicaid Support	\$	1,727,553	\$	1,736,600	34360
TOTAL GRF	General Revenue Fund		\$	<del>369,546,009</del>	\$	364,679,409	34361
				<u>368,446,009</u>			
General Services Fund Group							34362
1490	333609	Central Office Operating	\$	1,343,190	\$	1,343,190	34363
5T90	333641	Problem Gambling Services - Administration	\$	60,000	\$	60,000	34364
1490	334609	Hospital - Operating Expenses	\$	28,190,000	\$	<del>28,190,000</del> <u>30,190,000</u>	34365
1500	334620	Special Education	\$	150,000	\$	150,000	34366
4P90	335604	Community Mental Health Projects	\$	250,000	\$	250,000	34367
5T90	335641	Problem Gambling Services	\$	275,000	\$	275,000	34368
1510	336601	Office of Support Services	\$	115,000,000	\$	<del>115,000,000</del> <u>90,000,000</u>	34369
TOTAL GSF	General Services Fund Group		\$	145,268,190	\$	<del>145,268,190</del> <u>122,268,190</u>	34370
Federal Special Revenue Fund Group							34371
3240	333605	Medicaid/Medicare - Refunds	\$	154,500	\$	154,500	34372

3A60	333608	Federal Miscellaneous - Administration	\$	140,000	\$	140,000	34373
3A70	333612	Social Services Block Grant - Administration	\$	50,000	\$	50,000	34374
3A80	333613	Federal Grants - Administration	\$	4,717,000	\$	4,717,000	34375
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	34376
3G40	333618	Substance Abuse Block Grant- Administration	\$	3,307,789	\$	3,307,789	34377
3H80	333606	Demonstration Grants - Administration	\$	3,237,574	\$	<del>3,237,574</del> <u>6,000,000</u>	34378
3N80	333639	Administrative Reimbursement	\$	300,000	\$	300,000	34379
3240	334605	Medicaid/Medicare - Hospitals	\$	28,200,000	\$	28,200,000	34380
3A60	334608	Federal Miscellaneous - Hospitals	\$	200,000	\$	200,000	34381
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	34382
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000	34383
3A70	335612	Social Services Block Grant	\$	8,400,000	\$	8,400,000	34384
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,500,000	\$	<del>2,500,000</del> <u>4,500,000</u>	34385
3A90	335614	Mental Health Block Grant	\$	14,200,000	\$	14,200,000	34386
3FR0	335638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	34387

3G40	335618	Substance Abuse Block Grant	\$	62,542,003	\$	62,557,967	34388
3H80	335606	Demonstration Grants	\$	5,428,006	\$	<del>5,428,006</del> <u>11,000,000</u>	34389
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	<del>5,000,000</del>	34390
3B10	652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	34391
3J80	652609	Medicaid Legacy Costs Support	\$	3,000,000	\$	<del>3,000,000</del>	34392
TOTAL FED	Federal Special Revenue Fund Group		\$	152,659,342	\$	<del>144,675,306</del> <u>163,009,726</u>	34393
	State Special Revenue Fund Group						34394
2320	333621	Family and Children First Administration	\$	400,000	\$	400,000	34395
4750	333623	Statewide Treatment and Prevention - Administration	\$	5,490,667	\$	5,490,667	34396
4850	333632	Mental Health Operating - Refunds	\$	134,233	\$	134,233	34397
5JL0	333629	Problem Gambling and Casino Addictions - Administration	\$	1,361,592	\$	1,361,592	34398
5V20	333611	Non-Federal Miscellaneous	\$	100,000	\$	100,000	34399
6890	333640	Education and Conferences	\$	150,000	\$	150,000	34400
4850	334632	Mental Health Operating - Hospitals	\$	2,477,500	\$	2,477,500	34401
4750	335623	Statewide Treatment and Prevention	\$	10,059,333	\$	10,059,333	34402
5AU0	335615	Behavioral Health Care	\$	6,690,000	\$	6,690,000	34403
5JL0	335629	Problem Gambling and	\$	4,084,772		4,084,772	34404



	Casino Addictions				
6320	335616	Community Capital	\$	350,000	\$ 350,000 34405
		Replacement			
TOTAL	SSR	State Special Revenue	\$	31,298,097	\$ 31,298,097 34406
		Fund Group			
TOTAL	ALL BUDGET	FUND GROUPS	\$	<del>698,771,638</del>	<del>685,921,002</del> 34407
				<u>697,671,638</u>	<u>681,255,422</u>

**Sec. 327.83. COMMUNITY BEHAVIORAL HEALTH** 34409

~~Of the foregoing appropriation item 335507, Community Behavioral Health, \$30,000,000 in each fiscal year shall be allocated to community alcohol, drug addiction, and mental health services boards to provide mental health services.~~ 34410-34413

~~Of the foregoing appropriation item 335507, Community Behavioral Health, \$17,500,000 in each fiscal year shall be allocated to community alcohol, drug addiction, and mental health services boards to be used for addiction services including medication, treatment programs, and counseling.~~ 34414-34418

The foregoing appropriation item 335507, Community Behavioral Health, shall be used to address gaps identified by the Department of Mental Health and Addiction Services in the continuum of care for persons with mental illness or addiction disorders, including access to crisis services. 34419-34423

Of the foregoing appropriation item 335507, Community Behavioral Health, up to \$6.5 million in fiscal year 2015 shall be used to expand evidence-based prevention resources statewide. 34424-34426

Of the foregoing appropriation item 335507, Community Behavioral Health, \$7.5 million in fiscal year 2015 shall be used to fund expansion and improvement of the Residential State Supplement Program. 34427-34430

Of the foregoing appropriation item 335507, Community 34431

Behavioral Health, up to \$5.0 million in fiscal year 2015 shall be 34432  
used to expand access to recovery housing. "Recovery housing" 34433  
means housing for individuals recovering from drug addiction that 34434  
provides an alcohol and drug-free living environment, peer 34435  
support, assistance with obtaining drug addiction services, and 34436  
other drug addiction recovery assistance where the length of stay 34437  
is not limited to a specific duration. Recovery housing does not 34438  
include residential facilities subject to licensure pursuant to 34439  
section 5119.34 of the Revised Code. Medication-assisted treatment 34440  
may be allowed in recovery housing. Support for projects in 34441  
counties of the state that do not currently have recovery housing 34442  
stock shall be given priority. For expenditures that are capital 34443  
in nature, the Department of Mental Health and Addiction Services 34444  
shall develop procedures to administer these funds in a manner 34445  
that is consistent with current community capital assistance 34446  
projects process guidelines. 34447

The remainder of the foregoing appropriation item 335507, 34448  
Community Behavioral Health, an amount up to \$28.5 million, in 34449  
fiscal year 2015 shall be invested in addiction and mental health 34450  
recovery supports, with an emphasis on crisis and housing. These 34451  
investments shall address gaps in the continuum of care and shall 34452  
be identified and implemented in consultation with boards of 34453  
mental health and recovery services. 34454

**Sec. 333.10. DNR DEPARTMENT OF NATURAL RESOURCES** 34455

General Revenue Fund 34456

GRF 725401 Wildlife-GRF Central \$ 1,800,000 \$ 1,800,000 34457  
Support

GRF 725413 Lease Rental Payments \$ 21,622,900 \$ 23,943,400 34458

GRF 725456 Canal Lands \$ 135,000 \$ 135,000 34459

GRF 725502 Soil and Water \$ 2,900,000 \$ 2,900,000 34460

Districts

GRF	725505	Healthy Lake Erie Fund	\$	650,000	\$	500,000	34461
GRF	725507	Coal and Mine Safety Program	\$	2,500,000	\$	2,500,000	34462
GRF	725903	Natural Resources General Obligation Debt Service	\$	24,325,400	\$	<del>25,443,000</del> <u>23,743,000</u>	34463
GRF	727321	Division of Forestry	\$	4,392,002	\$	4,392,001	34464
GRF	729321	Office of Information Technology	\$	177,405	\$	177,405	34465
GRF	730321	Division of Parks and Recreation	\$	30,000,000	\$	30,000,000	34466
GRF	736321	Division of Engineering	\$	2,279,115	\$	2,324,736	34467
GRF	737321	Division of Soil and Water Resources	\$	4,782,704	\$	4,782,652	34468
GRF	738321	Division of Real Estate and Land Management	\$	715,963	\$	670,342	34469
GRF	741321	Division of Natural Areas and Preserves	\$	1,200,000	\$	1,200,000	34470
TOTAL GRF	General Revenue Fund		\$	97,480,489	\$	<del>100,768,536</del> <u>99,068,536</u>	34471
General Services Fund Group							34472
1550	725601	Departmental Projects	\$	2,109,968	\$	1,839,204	34473
1570	725651	Central Support Indirect	\$	4,609,154	\$	4,671,566	34474
2040	725687	Information Services	\$	5,179,097	\$	5,288,168	34475
2050	725696	Human Resource Direct Service	\$	2,474,345	\$	2,526,662	34476
2070	725690	Real Estate Services	\$	50,000	\$	50,000	34477
2230	725665	Law Enforcement Administration	\$	2,126,432	\$	2,126,432	34478
2270	725406	Parks Projects	\$	436,500	\$	436,500	34479

		Personnel					
4300	725671	Canal Lands	\$	883,879	\$	883,879	34480
4S90	725622	NatureWorks Personnel	\$	404,657	\$	412,570	34481
4X80	725662	Water Resources	\$	138,005	\$	138,005	34482
		Council					
5100	725631	Maintenance -	\$	303,611	\$	303,611	34483
		State-owned					
		Residences					
5160	725620	Water Management	\$	2,559,292	\$	2,559,292	34484
6350	725664	Fountain Square	\$	3,329,935	\$	3,346,259	34485
		Facilities Management					
6970	725670	Submerged Lands	\$	852,982	\$	869,145	34486
TOTAL	GSF	General Services					34487
Fund Group			\$	25,457,857	\$	25,451,293	34488
Federal Special Revenue Fund Group							34489
3320	725669	Federal Mine Safety	\$	265,000	\$	265,000	34490
		Grant					
3B30	725640	Federal Forest	\$	500,000	\$	500,000	34491
		Pass-Thru					
3B40	725641	Federal Flood	\$	500,000	\$	500,000	34492
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	11,851,759	\$	11,851,759	34493
		Mine Lands					
3B60	725653	Federal Land and	\$	950,000	\$	950,000	34494
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	3,200,000	\$	3,200,000	34495
		Regulatory					
3P10	725632	Geological Survey -	\$	933,448	\$	557,146	34496
		Federal					
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509	34497
3P30	725650	Coastal Management -	\$	2,790,633	\$	2,790,633	34498
		Federal					

3P40	725660	Federal - Soil and Water Resources	\$	969,190	\$	1,006,874	34499
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	4,342,280	\$	4,342,280	34500
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	34501
TOTAL FED Federal Special Revenue							34502
Fund Group			\$	28,386,819	\$	28,048,201	34503
State Special Revenue Fund Group							34504
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	34505
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	34506
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	34507
5090	725602	State Forest	\$	6,873,330	\$	6,880,158	34508
5110	725646	Ohio Geological Mapping	\$	1,220,690	\$	1,993,519	34509
5120	725605	State Parks Operations	\$	29,654,880	\$	29,671,044	34510
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	34511
5180	725643	Oil and Gas <del>Permit</del> <u>Fees Regulation and</u> <u>Safety</u>	\$	12,812,311	\$	13,140,201	34512
5180	725677	Oil and Gas Well Plugging	\$	1,500,000	\$	1,500,000	34513
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	34514
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	34515
5260	725610	Strip Mining Administration Fee	\$	1,800,000	\$	1,800,000	34516
5270	725637	Surface Mining Administration	\$	1,941,532	\$	1,941,532	34517
5290	725639	Unreclaimed Land Fund	\$	1,804,180	\$	1,804,180	34518

5310	725648	Reclamation	\$	500,000	\$	500,000	34519
		Forfeiture					
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	34520
5BV0	725658	Heidelberg Water	\$	250,000	\$	250,000	34521
		Quality Lab					
5BV0	725683	Soil and Water	\$	8,000,000	\$	8,000,000	34522
		Districts					
5EJ0	725608	Forestry Law	\$	1,000	\$	1,000	34523
		Enforcement					
5EK0	725611	Natural Areas &	\$	1,000	\$	1,000	34524
		Preserves Law					
		Enforcement					
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000	34525
		Enforcement					
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	34526
5EN0	725614	Watercraft Law	\$	2,500	\$	2,500	34527
		Enforcement					
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	34528
5MF0	725635	Ohio Geology License	\$	7,500	\$	7,500	34529
		Plate					
5MW0	725604	Natural Resources	\$	10,163,812	\$	6,165,162	34530
		Special Purposes					
6150	725661	Dam Safety	\$	943,517	\$	943,517	34531
TOTAL SSR		State Special Revenue					34532
Fund Group			\$	80,129,565	\$	77,254,626	34533
Clean Ohio Conservation Fund Group							34534
7061	725405	Clean Ohio Operating	\$	300,775	\$	300,775	34535
TOTAL CLF		Clean Ohio Conservation	\$	300,775	\$	300,775	34536
Fund Group							
Wildlife Fund Group							34537
5P20	725634	Wildlife Boater	\$	3,000,000	\$	3,000,000	34538
		Angler Administration					

7015	740401	Division of Wildlife Conservation	\$	56,466,564	\$	57,075,976	34539
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	34540
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	34541
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,000,000	\$	2,000,000	34542
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	34543
8190	725685	Ohio River Management	\$	203,584	\$	203,584	34544
81B0	725688	Wildlife Habitat Fund	\$	1,200,000	\$	1,200,000	34545
TOTAL WLF Wildlife Fund Group			\$	65,457,482	\$	66,066,894	34546
Waterways Safety Fund Group							34547
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	34548
7086	725418	Buoy Placement	\$	52,182	\$	52,182	34549
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	34550
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	34551
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643	34552
7086	739401	Division of Watercraft	\$	19,467,370	\$	19,297,370	34553
TOTAL WSF Waterways Safety Fund Group							34554
			\$	26,276,019	\$	26,106,019	34555
Accrued Leave Liability Fund Group							34556
4M80	725675	FOP Contract	\$	20,219	\$	20,219	34557
TOTAL ALF Accrued Leave Liability Fund Group							34558
			\$	20,219	\$	20,219	34559
Holding Account Redistribution Fund Group							34560
R017	725659	Performance Cash Bond Refunds	\$	496,263	\$	496,263	34561

R043 725624	Forestry	\$	2,100,000	\$	2,100,000	34562
TOTAL 090	Holding Account					34563
Redistribution	Fund Group	\$	2,596,263	\$	2,596,263	34564
TOTAL ALL BUDGET	FUND GROUPS	\$	326,105,488	\$	<del>326,612,826</del>	34565
					<u>324,912,826</u>	

**Sec. 340.10.** OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES 34567

AGENCY 34568

General Revenue Fund 34569

GRF 415402 Independent Living \$ 252,000 \$ 252,000 34570  
 Council

GRF 415406 Assistive Technology \$ 26,618 \$ 26,618 34571

GRF 415431 ~~Office for People~~ \$ 126,567 \$ 126,567 34572  
 with Brain Injury

GRF 415506 Services for ~~People~~ \$ 15,277,885 \$ 15,277,885 34573  
Individuals with  
 Disabilities

GRF 415508 Services for the Deaf \$ 28,000 \$ 28,000 34574

TOTAL GRF General Revenue Fund \$ 15,711,070 \$ 15,711,070 34575

General Services Fund Group 34576

4670 415609 Business Enterprise \$ 962,538 \$ 965,481 34577  
 Operating Expenses

TOTAL GSF General Services 34578

Fund Group \$ 962,538 \$ 965,481 34579

Federal Special Revenue Fund Group 34580

3170 415620 Disability \$ 83,332,186 \$ 84,641,911 34581  
 Determination

3790 415616 Federal - Vocational \$ 117,431,895 \$ 113,610,728 34582  
 Rehabilitation

3L10 415601 Social Security \$ 2,748,451 \$ 2,752,396 34583  
 Personal Care  
 Assistance



3L10	415605	Social Security Community Centers for the Deaf	\$	772,000	\$	772,000	34584
3L10	415608	Social Security <del>Special</del> <del>Programs/Assistance</del> <u>Vocational</u> <u>Rehabilitation</u>	\$	445,258	\$	498,269	34585
3L40	415612	Federal Independent Living Centers or Services	\$	638,431	\$	638,431	34586
3L40	415615	Federal - Supported Employment	\$	916,727	\$	916,727	34587
3L40	415617	<del>Independent</del> <del>Living/Vocational</del> Rehabilitation Programs	\$	1,548,658	\$	1,348,658	34588
TOTAL FED Federal Special							34589
Revenue Fund Group			\$	207,833,606	\$	205,179,120	34590
State Special Revenue Fund Group							34591
4680	415618	Third Party Funding	\$	11,000,000	\$	11,000,000	34592
4L10	415619	Services for Rehabilitation	\$	3,502,168	\$	3,502,168	34593
4W50	415606	Program Management <del>Expenses</del>	\$	12,369,751	\$	12,594,758	34594
TOTAL SSR State Special							34595
Revenue Fund Group			\$	26,871,919	\$	27,096,926	34596
TOTAL ALL BUDGET FUND GROUPS			\$	251,379,133	\$	248,952,597	34597
INDEPENDENT LIVING COUNCIL							34598
The foregoing appropriation item 415402, Independent Living							34599
Council, shall be used to fund the operations of the State							34600
Independent Living Council and to support state independent living							34601

centers and independent living services under Title VII of the 34602  
Independent Living Services and Centers for Independent Living of 34603  
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 34604  
U.S.C. 796d. 34605

Of the foregoing appropriation item 415402, Independent 34606  
Living Council, \$67,662 in each fiscal year shall be used as state 34607  
matching funds for vocational rehabilitation innovation and 34608  
expansion activities. 34609

ASSISTIVE TECHNOLOGY 34610

The total amount of the foregoing appropriation item 415406, 34611  
Assistive Technology, shall be provided to Assistive Technology of 34612  
Ohio to provide grants and assistive technology services for 34613  
people with disabilities in the State of Ohio. 34614

~~OFFICE FOR PEOPLE WITH BRAIN INJURY~~ 34615

The foregoing appropriation item 415431, ~~Office for People~~ 34616  
~~with~~ Brain Injury, shall be provided to The Ohio State University 34617  
College of Medicine to support the Brain Injury Program 34618  
established under section 3304.23 of the Revised Code. 34619

VOCATIONAL REHABILITATION SERVICES 34620

The foregoing appropriation item 415506, Services for ~~People~~ 34621  
Individuals with Disabilities, shall be used as state matching 34622  
funds to provide vocational rehabilitation services to eligible 34623  
consumers. 34624

SERVICES FOR THE DEAF 34625

The foregoing appropriation item 415508, Services for the 34626  
Deaf, shall be used to provide grants to community centers for the 34627  
deaf. 34628

~~INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS~~ 34629

~~The foregoing appropriation item 415617, Independent~~ 34630  
~~Living/Vocational Rehabilitation Programs, shall be used to~~ 34631

<del>support vocational rehabilitation programs.</del>	34632
SOCIAL SECURITY REIMBURSEMENT FUNDS	34633
Reimbursement funds received from the Social Security	34634
Administration, United States Department of Health and Human	34635
Services, for the costs of providing services and training to	34636
return disability recipients to gainful employment shall be	34637
expended <del>from the Social Security Reimbursement Fund (Fund 3L10),</del>	34638
to the extent funds are available, as follows:	34639
(A) Appropriation item 415601, Social Security Personal Care	34640
Assistance, to provide personal care services in accordance with	34641
section 3304.41 of the Revised Code;	34642
(B) Appropriation item 415605, Social Security Community	34643
Centers for the Deaf, to provide grants to community centers for	34644
the deaf in Ohio for services to individuals with hearing	34645
impairments; and	34646
(C) Appropriation item 415608, Social Security <del>Special</del>	34647
<del>Programs/Assistance</del> <u>Vocational Rehabilitation</u> , to provide	34648
vocational rehabilitation services to individuals with severe	34649
disabilities who are Social Security beneficiaries, to enable them	34650
to achieve competitive employment. <del>This appropriation item shall</del>	34651
<del>also be used to pay a portion of indirect costs of the Personal</del>	34652
<del>Care Assistance Program and the Independent Living Programs as</del>	34653
<del>mandated by federal OMB Circular A 87.</del>	34654
PROGRAM MANAGEMENT <del>EXPENSES</del>	34655
The foregoing appropriation item 415606, Program Management	34656
<del>Expenses</del> , shall be used to support the administrative functions of	34657
the commission related to the provision of vocational	34658
rehabilitation, disability determination services, and ancillary	34659
programs.	34660
<b>Sec. 349.10. PRX STATE BOARD OF PHARMACY</b>	34661

General Services Fund Group				34662
4A50 887605 Drug Law Enforcement	\$	150,000	\$ 150,000	34663
4K90 887609 Operating Expenses	\$	6,701,285	<del>6,701,285</del>	34664
			<u>6,901,285</u>	
TOTAL GSF General Services Fund Group	\$	6,851,285	<del>6,851,285</del>	34665
			<u>7,051,285</u>	
Federal Special Revenue Fund Group				34666
3BC0 887604 Dangerous Drugs Database	\$	390,869	\$ 0	34667
3CT0 887606 2008 Developing/Enhancing PMP	\$	224,691	\$ 112,346	34668
3DV0 887607 Enhancing Ohio's PMP	\$	2,000	\$ 2,000	34669
3EY0 887603 Administration of PMIX Hub	\$	66,335	\$ 0	34670
TOTAL FED Federal Special Revenue Fund Group	\$	683,895	\$ 114,346	34671
TOTAL ALL BUDGET FUND GROUPS	\$	7,535,180	<del>6,965,631</del>	34672
			<u>7,165,631</u>	
<b>Sec. 359.10. PWC PUBLIC WORKS COMMISSION</b>				34674
General Revenue Fund				34675
GRF 150904 Conservation General Obligation Debt Service	\$	<del>33,376,600</del>	\$ 34,447,700	34676
		<u>26,676,600</u>		
GRF 150907 State Capital Improvements General Obligation Debt Service	\$	<del>227,810,300</del>	<del>228,948,900</del>	34677
		<u>210,710,300</u>	<u>226,948,900</u>	
TOTAL GRF General Revenue Fund	\$	<del>261,186,900</del>	<del>263,396,600</del>	34678
		<u>237,386,900</u>	<u>261,396,600</u>	
Clean Ohio Conservation Fund Group				34679

7056 150403	Clean Ohio Operating Expenses	\$	288,980	\$	288,980	34680
TOTAL 056	Clean Ohio Conservation Fund Group	\$	288,980	\$	288,980	34681
TOTAL ALL BUDGET FUND GROUPS		\$	<del>261,475,880</del>	\$	<del>263,685,580</del>	34682
			<u>237,675,880</u>		<u>261,685,580</u>	
CONSERVATION GENERAL OBLIGATION DEBT SERVICE						34683
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.						34684 34685 34686 34687 34688 34689
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE						34690
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.						34691 34692 34693 34694 34695 34696
CLEAN OHIO OPERATING EXPENSES						34697
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.						34698 34699 34700 34701
<b>Sec. 363.10. BOR BOARD OF REGENTS</b>						34702
General Revenue Fund						34703
GRF 235321	Operating Expenses	\$	2,850,357	\$	2,850,357	34704
GRF 235401	Lease Rental Payments	\$	5,805,300	\$	0	34705
GRF 235402	Sea Grants	\$	285,000	\$	285,000	34706

GRF 235406	Articulation and Transfer	\$	2,000,000	\$	2,000,000	34707
GRF 235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	34708
GRF 235409	HEI Information System	\$	1,505,683	\$	1,505,683	34709
GRF 235414	State Grants and Scholarship Administration	\$	830,180	\$	830,180	34710
GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688	34711
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$	737,366	34712
GRF 235433	Economic Growth Challenge	\$	521,153	\$	521,153	34713
GRF 235434	College Readiness and Access	\$	1,200,000	\$	1,200,000	34714
GRF 235438	Choose Ohio First Scholarship	\$	16,665,114	\$	16,665,114	34715
GRF 235443	Adult Basic and Literacy Education - State	\$	7,427,416	\$	7,427,416	34716
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,817,547	\$	15,817,547	34717
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	34718
GRF 235480	General Technology Operations	\$	500,000	\$	500,000	34719
GRF 235483	Technology Integration and Professional Development	\$	3,378,598	\$	2,703,598	34720
GRF 235501	State Share of Instruction	\$	1,789,699,580	\$	<del>1,818,225,497</del> <u>1,821,325,497</u>	34721

GRF 235502	Student Support Services	\$	632,974	\$	632,974	34722
GRF 235504	War Orphans Scholarships	\$	5,500,000	\$	5,500,000	34723
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	34724
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	34725
GRF 235510	Ohio Supercomputer Center	\$	3,747,418	\$	3,747,418	34726
GRF 235511	Cooperative Extension Service	\$	23,086,658	\$	23,056,658	34727
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	34728
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	34729
GRF 235516	Wright State Lake Campus Agricultural Program	\$	200,000	\$	0	34730
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	34731
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	34732
GRF 235523	Youth STEM Commercialization and Entrepreneurship Program	\$	2,000,000	\$	3,000,000	34733
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	34734
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	34735
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	34736
GRF 235535	Ohio Agricultural Research and	\$	34,126,100	\$	34,629,970	34737

	Development Center					
GRF 235536	The Ohio State	\$	9,668,941	\$	9,668,941	34738
	University Clinical					
	Teaching					
GRF 235537	University of	\$	7,952,573	\$	7,952,573	34739
	Cincinnati Clinical					
	Teaching					
GRF 235538	University of Toledo	\$	6,198,600	\$	6,198,600	34740
	Clinical Teaching					
GRF 235539	Wright State	\$	3,011,400	\$	3,011,400	34741
	University Clinical					
	Teaching					
GRF 235540	Ohio University	\$	2,911,212	\$	2,911,212	34742
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical	\$	2,994,178	\$	2,994,178	34743
	University Clinical					
	Teaching					
GRF 235552	Capital Component	\$	13,628,639	\$	10,280,387	34744
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	34745
GRF 235556	Ohio Academic	\$	3,172,519	\$	3,172,519	34746
	Resources Network					
GRF 235558	Long-term Care	\$	325,300	\$	325,300	34747
	Research					
GRF 235563	Ohio College	\$	90,284,264	\$	90,284,264	34748
	Opportunity Grant					
GRF 235572	The Ohio State	\$	766,533	\$	766,533	34749
	University Clinic					
	Support					
GRF 235599	National Guard	\$	16,711,514	\$	17,384,511	34750
	Scholarship Program					
GRF 235909	Higher Education	\$	<del>221,168,700</del>	\$	<del>248,822,000</del>	34751
	General Obligation		<u>215,368,700</u>		<u>245,822,000</u>	
	Debt Service					



TOTAL GRF General Revenue Fund		\$ <del>2,331,062,630</del>	\$ <del>2,379,360,162</del>	34752
		<u>2,325,262,630</u>	<u>2,379,460,162</u>	
General Services Fund Group				34753
2200 235614	Program Approval and Reauthorization	\$ 903,595	\$ 903,595	34754
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	34755
5JC0 235649	Co-op Internship Program	\$ 8,000,000	\$ 8,000,000	34756
5JC0 235668	Defense/Aerospace Workforce Development Initiative	\$ 4,000,000	\$ 4,000,000	34757
5JC0 235685	Manufacturing Workforce Development Initiative	\$ 2,000,000	\$ 0	34758
TOTAL GSF General Services Fund Group		\$ 15,102,845	\$ 13,102,845	34759 34760
Federal Special Revenue Fund Group				34761
3120 235612	Carl D. Perkins Grant/Plan Administration	\$ 1,350,000	\$ 1,350,000	34762
3120 235617	Improving Teacher Quality Grant	\$ 3,200,000	\$ 3,200,000	34763
3120 235641	Adult Basic and Literacy Education - Federal	\$ 14,835,671	\$ 14,835,671	34764
3120 235672	H-1B Tech Skills Training	\$ 1,100,000	\$ 1,100,000	34765
3BW0 235630	Indirect Cost Recovery - Federal	\$ 50,000	\$ 50,000	34766
3H20 235608	Human Services Project	\$ 1,000,000	\$ 1,000,000	34767
TOTAL FED Federal Special Revenue				34768

Fund Group		\$	21,535,671	\$	21,535,671	34769
State Special Revenue Fund Group						34770
4E80 235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	34771
4X10 235674	Telecommunity and Distance Learning	\$	49,150	\$	49,150	34772
5D40 235675	Conferences/Special Purposes	\$	1,884,095	\$	1,884,095	34773
5FR0 235643	Making Opportunity Affordable	\$	230,000	\$	230,000	34774
5P30 235663	Variable Savings Plan	\$	8,066,920	\$	8,104,370	34775
6450 235664	Guaranteed Savings Plan	\$	1,290,718	\$	1,303,129	34776
6820 235606	Nursing Loan Program	\$	891,320	\$	891,320	34777
TOTAL SSR State Special Revenue Fund Group		\$	12,441,303	\$	12,491,164	34779
Third Frontier Research & Development Fund Group						34780
7011 235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000	34781
TOTAL 011 Third Frontier Research & Development Fund Group		\$	8,000,000	\$	8,000,000	34782
TOTAL ALL BUDGET FUND GROUPS		\$	<del>2,388,142,449</del>	\$	<del>2,434,489,842</del>	34783
			<u>2,382,342,449</u>		<u>2,434,589,842</u>	
<b>Sec. 365.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION</b>						34785
General Revenue Fund						34786
GRF 501321	Institutional Operations	\$	<del>883,768,015</del>	\$	<del>873,724,802</del>	34787
			<u>895,799,933</u>		<u>900,215,085</u>	
GRF 501403	Prisoner Compensation	\$	6,000,000	\$	6,000,000	34788
GRF 501405	Halfway House	\$	<del>45,049,356</del>	\$	<del>46,024,108</del>	34789
			<u>48,399,340</u>		<u>51,197,937</u>	

GRF	501406	Lease Rental Payments	\$	<del>104,099,500</del>	\$	99,534,800	34790
				<u>103,099,500</u>			
GRF	501407	Community Nonresidential Programs	\$	34,187,858	\$	34,314,390	34791
GRF	501408	Community Misdemeanor Programs	\$	12,856,800	\$	12,856,800	34792
GRF	501501	Community Residential Programs - CBCF	\$	<del>63,345,972</del>	\$	<del>66,150,781</del>	34793
				<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>	34794
				<u>66,102,094</u>		<u>71,676,403</u>	
GRF	504321	Administrative Operations	\$	20,659,664	\$	20,907,476	34795
GRF	505321	Institution Medical Services	\$	<del>243,289,774</del>	\$	<del>254,139,452</del>	34796
				<u>239,397,895</u>		<u>251,994,058</u>	
GRF	506321	Institution Education Services	\$	19,102,051	\$	19,112,418	34797
TOTAL GRF	General Revenue Fund		\$	<del>1,496,839,928</del>	\$	<del>1,497,794,707</del>	34798
				<u>1,509,829,607</u>		<u>1,537,262,822</u>	
General Services Fund Group							34799
1480	501602	Institutional Services	\$	3,139,577	\$	3,139,577	34800
2000	501607	Ohio Penal Industries	\$	41,393,226	\$	40,609,872	34801
4830	501605	Property Receipts	\$	582,086	\$	582,086	34802
4B00	501601	Sewer Treatment Services	\$	2,023,671	\$	2,067,214	34803
4D40	501603	Prisoner Programs	\$	17,499,255	\$	17,499,255	34804
4L40	501604	Transitional Control	\$	1,113,120	\$	1,113,120	34805
4S50	501608	Education Services	\$	4,114,782	\$	4,114,782	34806
5710	501606	Training Academy Receipts	\$	125,000	\$	125,000	34807
5930	501618	Laboratory Services	\$	3,750,000	\$	0	34808
5AF0	501609	State and Non-Federal	\$	1,440,000	\$	1,440,000	34809

		Awards				
5H80	501617	Offender Financial	\$	2,000,000	\$	2,000,000 34810
		Responsibility				
5L60	501611	Information	\$	250,000	\$	250,000 34811
		Technology Services				
TOTAL GSF	General Services Fund		\$	77,430,717	\$	72,940,906 34812
	Group					
	Federal Special Revenue Fund Group					34813
3230	501619	Federal Grants	\$	7,132,943	\$	7,132,943 34814
TOTAL FED	Federal Special Revenue					34815
	Fund Group		\$	7,132,943	\$	7,132,943 34816
TOTAL ALL BUDGET FUND GROUPS			\$	<del>1,581,403,588</del>	\$	<del>1,577,868,556</del> 34817
				<u>1,594,393,267</u>		<u>1,617,336,671</u>
		TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL				34818
		SENTENCING REFORMS				34819
		For the purposes of implementing criminal sentencing reforms,				34820
		and notwithstanding any other provision of law to the contrary,				34821
		the Director of Budget and Management, at the request of the				34822
		Director of Rehabilitation and Correction, may transfer up to				34823
		\$14,000,000 in appropriations, in each of fiscal years 2014 and				34824
		2015, from appropriation item 501321, Institutional Operations, to				34825
		any combination of appropriation items 501405, Halfway House;				34826
		501407, Community Residential Programs; 501408, Community				34827
		Misdemeanor Programs; and 501501, Community Residential Programs -				34828
		CBCF.				34829
		LEASE RENTAL PAYMENTS				34830
		The foregoing appropriation item 501406, Lease Rental				34831
		Payments, shall be used to meet all payments at the times they are				34832
		required to be made during the period from July 1, 2013, through				34833
		June 30, 2015, by the Department of Rehabilitation and Correction				34834
		under the primary leases and agreements for those buildings made				34835
		under Chapters 152. and 154. of the Revised Code. These				34836

appropriations are the source of funds pledged for bond service 34837  
charges on related obligations issued under Chapters 152. and 154. 34838  
of the Revised Code. 34839

OSU MEDICAL CHARGES 34840

Notwithstanding section 341.192 of the Revised Code, at the 34841  
request of the Department of Rehabilitation and Correction, The 34842  
Ohio State University Medical Center, including the Arthur G. 34843  
James Cancer Hospital and Richard J. Solove Research Institute and 34844  
the Richard M. Ross Heart Hospital, shall provide necessary care 34845  
to persons who are confined in state adult correctional 34846  
facilities. The provision of necessary care shall be billed to the 34847  
Department at a rate not to exceed the authorized reimbursement 34848  
rate for the same service established by the Department of 34849  
Medicaid under the Medicaid Program. 34850

CORRECTIVE CASH TRANSFER 34851

At the request of the Director of Rehabilitation and 34852  
Correction, the Director of Budget and Management may transfer an 34853  
amount not to exceed \$2,391 in cash that was mistakenly deposited 34854  
in the Federal Grants Fund (Fund 3230) to the General Revenue 34855  
Fund. 34856

**Sec. 395.10. TAX DEPARTMENT OF TAXATION** 34857

General Revenue Fund 34858

GRF 110321	Operating Expenses	\$	72,568,330	\$	67,968,332	34859
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GRF 110404	Tobacco Settlement	\$	178,200	\$	178,200	34860
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Enforcement

GRF 110901	Property Tax	\$	<del>666,640,000</del>	\$	<del>678,255,600</del>	34861
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	Allocation - Taxation		<u>658,640,000</u>		<u>673,255,600</u>	
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TOTAL GRF General Revenue Fund	\$	<del>739,386,530</del>	\$	<del>746,402,132</del>	34862
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			<u>731,386,530</u>		<u>741,402,132</u>	
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General Services Fund Group 34863

2280	110628	Revenue Enhancement	\$	15,500,000	\$	<del>17,500,000</del>	34864
						<u>17,100,000</u>	
4330	110602	Tape File Account	\$	175,000	\$	175,000	34865
5BP0	110639	Wireless 9-1-1 Administration	\$	290,000	\$	290,000	34866
5CZ0	110631	Vendor's License Application	\$	250,000	\$	250,000	34867
5MN0	110638	STARS Development and Implementation	\$	5,000,000	\$	3,000,000	34868
5N50	110605	Municipal Income Tax Administration	\$	150,000	\$	150,000	34869
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	34870
5V80	110623	Property Tax Administration	\$	11,978,310	\$	<del>11,978,310</del>	34871
						<u>11,178,310</u>	
5W70	110627	Exempt Facility Administration	\$	49,500	\$	49,500	34872
TOTAL GSF General Services							34873
Fund Group			\$	33,492,810	\$	<del>33,492,810</del>	34874
						<u>32,292,810</u>	
State Special Revenue Fund Group							34875
4350	110607	Local Tax Administration	\$	20,000,000	\$	<del>20,700,000</del>	34876
						<u>20,300,000</u>	
4360	110608	Motor Vehicle Audit	\$	1,459,609	\$	1,459,609	34877
4370	110606	Income Tax Contribution	\$	38,800	\$	38,800	34878
4380	110609	School District Income Tax	\$	5,802,044	\$	<del>5,802,044</del>	34879
						<u>5,402,044</u>	
4C60	110616	International Registration Plan	\$	682,415	\$	682,415	34880
4R60	110610	Tire Tax Administration	\$	244,193	\$	244,193	34881
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374	34882

		Administration				
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000 34883
		Enforcement				
6420	110613	Ohio Political Party	\$	500,000	\$	500,000 34884
		Distributions				
6880	110615	Local Excise Tax	\$	775,015	\$	775,015 34885
		Administration				
TOTAL SSR State Special Revenue						34886
Fund Group			\$	36,287,450	\$	<del>36,987,450</del> 34887
						<u>36,187,450</u>
Agency Fund Group						34888
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000 34889
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 34890
TOTAL AGY Agency Fund Group						\$ 1,567,800,000 \$ 1,567,800,000 34891
Holding Account Redistribution Fund Group						34892
R010	110611	Tax Distributions	\$	50,000	\$	50,000 34893
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000 34894
		Tax Receipts				
TOTAL 090 Holding Account						34895
Redistribution Fund Group			\$	100,000	\$	100,000 34896
TOTAL ALL BUDGET FUND GROUPS						\$ <del>2,377,066,790</del> \$ <del>2,384,782,392</del> 34897
				<u>2,369,066,790</u>		<u>2,377,782,392</u>
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK						34898
The foregoing appropriation item 110901, Property Tax						34899
Allocation - Taxation, is hereby appropriated to pay for the						34900
state's costs incurred due to the Homestead Exemption, the						34901
Manufactured Home Property Tax Rollback, and the Property Tax						34902
Rollback. The Tax Commissioner shall distribute these funds						34903
directly to the appropriate local taxing districts, except for						34904
school districts, notwithstanding the provisions in sections						34905
321.24 and 323.156 of the Revised Code, which provide for payment						34906
of the Homestead Exemption, the Manufactured Home Property Tax						34907

Rollback, and Property Tax Rollback by the Tax Commissioner to the 34908  
appropriate county treasurer and the subsequent redistribution of 34909  
these funds to the appropriate local taxing districts by the 34910  
county auditor. 34911

Upon receipt of these amounts, each local taxing district 34912  
shall distribute the amount among the proper funds as if it had 34913  
been paid as real property taxes. Payments for the costs of 34914  
administration shall continue to be paid to the county treasurer 34915  
and county auditor as provided for in sections 319.54, 321.26, and 34916  
323.156 of the Revised Code. 34917

Any sums, in addition to the amounts specifically 34918  
appropriated in appropriation item 110901, Property Tax Allocation 34919  
- Taxation, for the Homestead Exemption, the Manufactured Home 34920  
Property Tax Rollback, and the Property Tax Rollback payments, 34921  
which are determined to be necessary for these purposes, are 34922  
hereby appropriated. 34923

MUNICIPAL INCOME TAX 34924

The foregoing appropriation item 110995, Municipal Income 34925  
Tax, shall be used to make payments to municipal corporations 34926  
under section 5745.05 of the Revised Code. If it is determined 34927  
that additional appropriations are necessary to make such 34928  
payments, such amounts are hereby appropriated. 34929

TAX REFUNDS 34930

The foregoing appropriation item 110635, Tax Refunds, shall 34931  
be used to pay refunds under section 5703.052 of the Revised Code. 34932  
If it is determined that additional appropriations are necessary 34933  
for this purpose, such amounts are hereby appropriated. 34934

INTERNATIONAL REGISTRATION PLAN AUDIT 34935

The foregoing appropriation item 110616, International 34936  
Registration Plan, shall be used under section 5703.12 of the 34937



Revised Code for audits of persons with vehicles registered under the International Registration Plan.	34938 34939
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	34940
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.	34941 34942 34943 34944 34945 34946 34947
TOBACCO SETTLEMENT ENFORCEMENT	34948
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.	34949 34950 34951 34952
STARS DEVELOPMENT AND IMPLEMENTATION FUND	34953
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.	34954 34955 34956 34957 34958 34959 34960 34961 34962 34963 34964 34965
<b>Sec. 403.10.</b> DVS DEPARTMENT OF VETERANS SERVICES	34966
General Revenue Fund	34967

GRF	900321	Veterans' Homes	\$	27,369,946	\$	<del>27,369,946</del>	34968
						<u>26,992,608</u>	
GRF	900402	Hall of Fame	\$	107,075	\$	107,075	34969
GRF	900408	Department of	\$	2,001,823	\$	<del>2,001,823</del>	34970
		Veterans Services				<u>2,379,161</u>	
GRF	900901	Persian Gulf,	\$	7,542,600	\$	9,914,800	34971
		Afghanistan, and Iraq					
		Compensation Debt					
		Service					
TOTAL GRF		General Revenue Fund	\$	37,021,444	\$	39,393,644	34972
		General Services Fund Group					34973
4840	900603	Veterans' Homes	\$	1,596,894	\$	1,596,894	34974
		Services					
TOTAL GSF		General Services Fund	\$	1,596,894	\$	1,596,894	34975
		Group					
		Federal Special Revenue Fund Group					34976
3680	900614	Veterans Training	\$	684,017	\$	697,682	34977
3740	900606	Troops to Teachers	\$	111,822	\$	111,879	34978
3BX0	900609	Medicare Services	\$	2,250,000	\$	2,250,000	34979
3L20	900601	Veterans' Homes	\$	24,887,790	\$	25,634,423	34980
		Operations - Federal					
TOTAL FED		Federal Special Revenue					34981
		Fund Group	\$	27,933,629	\$	28,693,984	34982
		State Special Revenue Fund Group					34983
4E20	900602	Veterans' Homes	\$	10,614,652	\$	10,837,435	34984
		Operating					
6040	900604	Veterans' Homes	\$	403,663	\$	459,359	34985
		Improvement					
TOTAL SSR		State Special Revenue					34986
		Fund Group	\$	11,018,315	\$	11,296,794	34987
		Persian Gulf, Afghanistan, and Iraq Compensation Fund Group					34988
7041	900615	Veteran Bonus Program	\$	738,703	\$	629,709	34989

	- Administration				
7041 900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$ 14,500,000	\$ 9,400,000		34990
TOTAL 041	Persian Gulf, Afghanistan, and Iraq Compensation Fund Group	\$ 15,238,703	\$ 10,029,709		34991 34992 34993
TOTAL ALL BUDGET FUND GROUPS		\$ 92,808,985	\$ 91,011,025		34994

PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL 34995  
OBLIGATION DEBT SERVICE 34996

The foregoing appropriation item 900901, Persian Gulf, 34997  
Afghanistan and Iraq Compensation Debt Service, shall be used to 34998  
pay all debt service and related financing costs during the period 34999  
from July 1, 2013, through June 30, 2015, on obligations issued 35000  
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation 35001  
purposes under sections 151.01 and 151.12 of the Revised Code. 35002

**Sec. 512.70. PROHIBITION ON TRANSFERS FISCAL YEAR 2014** 35003  
GENERAL REVENUE FUND ENDING BALANCE 35004

Notwithstanding section 131.44 of the Revised Code, ~~cash~~ 35005  
~~shall not be transferred to the Income Tax Reduction Fund prior to~~ 35006  
~~July 1, 2015 of the surplus revenue, as that term is defined in~~ 35007  
~~that section, that exists on June 30, 2014, after the transfer of~~ 35008  
~~cash to the Budget Stabilization Fund (Fund 7013) required under~~ 35009  
~~division (B)(1)(a) of section 131.44 of the Revised Code, up to~~ 35010  
~~\$300,000,000 cash shall be transferred by the Director of Budget~~ 35011  
~~and Management from the General Revenue Fund to the Medicaid~~ 35012  
~~Reserve Fund (Fund 5Y80).~~ 35013

Any cash from the surplus revenue remaining after this 35014  
transfer shall be reserved in the General Revenue Fund. 35015

**Sec. 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM** 35016

There is hereby established in the Highway Operating Fund 35017  
(Fund 7002), used by the Department of Transportation, a Diesel 35018  
Emissions Reduction Grant Program. The Director of Environmental 35019  
Protection shall administer the program and shall solicit, 35020  
evaluate, score, and select projects submitted by public and 35021  
private entities that are eligible for the federal Congestion 35022  
Mitigation and Air Quality (CMAQ) Program. The Director of 35023  
Transportation shall process Federal Highway 35024  
Administration-approved projects as recommended by the Director of 35025  
Environmental Protection. 35026

In addition to the allowable expenditures set forth in 35027  
section 122.861 of the Revised Code, Diesel Emissions Reduction 35028  
Grant Program funds also may be used to fund projects involving 35029  
the purchase or use of hybrid and alternative fuel vehicles that 35030  
are allowed under guidance developed by the Federal Highway 35031  
Administration for the CMAQ Program. 35032

Public entities eligible to receive funds under section 35033  
122.861 of the Revised Code and CMAQ shall be reimbursed from 35034  
moneys in the Highway Operating Fund (Fund 7002) designated for 35035  
the Department of Transportation's Diesel Emissions Reduction 35036  
Grant Program. 35037

Private entities eligible to receive funds under section 35038  
122.861 of the Revised Code and CMAQ shall be reimbursed through 35039  
transfers of cash from moneys in the Highway Operating Fund (Fund 35040  
7002) designated for the Department of Transportation's Diesel 35041  
Emissions Reduction Grant Program to the Diesel Emissions 35042  
Reduction Fund (Fund 3FH0), used by the Environmental Protection 35043  
Agency, or at the direction of the local public agency sponsor and 35044  
upon approval of the Department of Transportation, through direct 35045  
payments to the vendor in the prorated share of federal/state 35046  
participation. Total expenditures between both the Environmental 35047  
Protection Agency from appropriation item 715693, Diesel Emissions 35048

Reduction Grants and the Department of Transportation from the 35049  
Highway Operating Fund (Fund 7002) for the Diesel Emissions 35050  
Reduction Grant Program shall not exceed ~~the amounts appropriated~~ 35051  
~~in this act for appropriation item 715693, Diesel Emissions~~ 35052  
Reduction Grants \$10,000,000 in FY 2014 and \$10,000,000 in FY 35053  
2015. 35054

On or before June 30, 2014, the Director of Environmental 35055  
Protection may certify to the Director of Budget and Management 35056  
the amount of any unencumbered balance of the foregoing 35057  
appropriation item 715693, Diesel Emissions Reduction Grants, for 35058  
fiscal year 2014 to be used for the same purpose in fiscal year 35059  
2015. Once the certification permitted under this section has been 35060  
submitted and approved by the Director of Budget and Management, 35061  
the amount approved ~~is hereby~~ may be appropriated for fiscal year 35062  
2015. 35063

Any cash transfers or allocations under this section 35064  
represent CMAQ program moneys within the Department of 35065  
Transportation for use by the Diesel Emissions Reduction Grant 35066  
Program by the Environmental Protection Agency. These allocations 35067  
shall not reduce the amount of such moneys designated for 35068  
metropolitan planning organizations. 35069

The Director of Environmental Protection, in consultation 35070  
with the ~~directors of Development Services and~~ Director of 35071  
Transportation, shall develop guidance for the distribution of 35072  
funds and for the administration of the Diesel Emissions Reduction 35073  
Grant Program. The guidance shall include a method of 35074  
prioritization for projects, acceptable technologies, and 35075  
procedures for awarding grants. 35076

**Sec. 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM** 35077

The Department of Mental Health and Addiction Services, in 35078  
consultation with the Department of Medicaid, shall administer the 35079

Recovery Requires a Community Program to identify individuals 35080  
residing in nursing facilities who can be successfully moved into 35081  
a community setting with the aid of community non-Medicaid 35082  
services. 35083

The Director of Mental Health and Addiction Services and the 35084  
Medicaid Director shall agree upon an amount representing the 35085  
savings realized from decreased nursing facility utilization to be 35086  
transferred within the biennium from the Department of Medicaid to 35087  
the Department of Mental Health and Addiction Services to support 35088  
non-Medicaid program costs for individuals moving into community 35089  
settings. 35090

~~Of the foregoing appropriation item 651525, Medicaid/Health 35091  
Care Services, the Medicaid Director shall transfer the amount 35092  
agreed upon representing the savings from the General Revenue Fund 35093  
to the Sale of Goods and Services Fund (Fund 1490). The transfer 35094  
shall be made using an intrastate transfer voucher. The 35095  
transferred cash is hereby appropriated to appropriation item 35096  
335609, Community Operating/Planning. 35097~~

The Director of Mental Health and Addiction Services and the 35098  
Medicaid Director shall certify the agreed upon amount to the 35099  
Director of Budget and Management. Upon receipt of the 35100  
certification, the Director of Budget and Management may increase 35101  
appropriation item 335504, Community Innovations, up to the amount 35102  
of the certification and decrease appropriation item 651525, 35103  
Medicaid/Health Care Services, by an equal amount. 35104

**Section 610.21.** That existing Sections 207.10, 209.30, 35105  
221.10, 241.10, 257.10, 257.20, 259.10, 259.210, 263.10, 263.230, 35106  
263.240, 263.250, 263.270, 263.320, 263.325, 275.10, 282.10, 35107  
282.30, 285.10, 285.20, 301.10, 301.33, 301.40, 301.143, 327.10, 35108  
327.83, 333.10, 340.10, 349.10, 359.10, 363.10, 365.10, 395.10, 35109  
403.10, 512.70, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 35110

130th General Assembly are hereby repealed. 35111

**Section 630.10.** That Sections 207.100, 207.250, 207.340, 35112  
207.440, 223.10, 239.10, 253.330, 269.10, and 701.50 of Am. H.B. 35113  
497 of the 130th General Assembly be amended to read as follows: 35114

<b>Sec. 207.100. CCC CUYAHOGA COMMUNITY COLLEGE</b>			35115
Higher Education Improvement Fund (Fund 7034)			35116
C37838	Structural Concrete Repairs	\$ 7,000,000	35117
C37839	Roof Repair and Replacements	\$ 2,900,000	35118
C37840	Workforce Economic Development Renovations	\$ 1,700,000	35119
C37841	St. Vincent Charity Medical Center - Geriatric Behavioral Health Project	\$ 500,000	35120
C37842	Playhouse Square Ohio Theatre	\$ 1,500,000	35121
C37843	Cleveland Museum of Art - Final Phase	\$ 2,000,000	35122
<u>C37844</u>	<u>Rock and Roll Hall of Fame</u>	<u>\$ 1,060,522</u>	35123
TOTAL Higher Education Improvement Fund		\$ <del>15,600,000</del> <u>16,660,522</u>	35124
TOTAL ALL FUNDS		\$ <del>15,600,000</del> <u>16,660,522</u>	35125

<b>Sec. 207.250. OTC OWENS COMMUNITY COLLEGE</b>			35127
Higher Education Improvement Fund (Fund 7034)			35128
C38816	Penta Renovations	\$ 4,750,000	35129
C38826	College Hall Renovation	\$ 750,000	35130
C38827	Manufacturing Training Simulators	\$ 290,000	35131
<u>C38828</u>	<u>ProMedica Transformative Low Income Medical Senior Housing</u>	<u>\$ 250,000</u>	35132
TOTAL Higher Education Improvement Fund		\$ <del>5,790,000</del> <u>6,040,000</u>	35133
TOTAL ALL FUNDS		\$ <del>5,790,000</del> <u>6,040,000</u>	35134

6,040,000

<b>Sec. 207.340. UTO UNIVERSITY OF TOLEDO</b>			35136
Higher Education Improvement Fund (Fund 7034)			35137
C34058	Campus Energy Cost Reduction Project	\$ 1,500,000	35138
C34067	Anatomy Specimen Storage Facility	\$ 3,500,000	35139
C34068	Academic Technology and Renovation Projects	\$ 3,000,000	35140
C34069	Campus Infrastructure Improvements	\$ 3,000,000	35141
C34070	NW Ohio Plastics Training Center	\$ 2,000,000	35142
C34071	Elevator Safety Repairs and Replacements	\$ 2,000,000	35143
C34072	Building Automation System Upgrades	\$ 1,500,000	35144
C34073	Mechanical System Improvements	\$ 1,500,000	35145
C34074	Backbone Core Router Replacements	\$ 1,600,000	35146
C34075	Network Infrastructure Replacement	\$ 1,400,000	35147
C34076	Northwest Ohio Food Partnership Center	\$ 1,000,000	35148
C34077	Mercy College Science Facilities Expansion and Renovation	\$ 500,000	35149
C34078	Northwest Ohio Workforce Development and Advanced Manufacturing Training Center	\$ 1,000,000	35150
<del>C34079</del>	<del>Promedica Transformative Low Income Medical Senior Housing</del>	<del>\$ 250,000</del>	35151
TOTAL Higher Education Improvement Fund		\$ <del>23,750,000</del>	35152
		<u>23,500,000</u>	
TOTAL ALL FUNDS		\$ <del>23,750,000</del>	35153
		<u>23,500,000</u>	

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 35155  
authorized to issue and sell, in accordance with Section 2n of 35156  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 35157  
sections 151.01 and 151.04 of the Revised Code, original 35158  
obligations in an aggregate principal amount not to exceed 35159  
~~\$506,000,000~~ \$507,000,000, in addition to the original issuance of 35160



obligations heretofore authorized by prior acts of the General 35161  
Assembly. These authorized obligations shall be issued, subject to 35162  
applicable constitutional and statutory limitations, as needed to 35163  
provide sufficient moneys to the credit of the Higher Education 35164  
Improvement Fund (Fund 7034) and the Higher Education Improvement 35165  
Taxable Fund (Fund 7024) to pay costs of capital facilities as 35166  
defined in sections 151.01 and 151.04 of the Revised Code for 35167  
state-supported and state-assisted institutions of higher 35168  
education. 35169

**Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES** 35170

Wildlife Fund (Fund 7015) 35171

C725K9 Wildlife Area Building \$ 6,400,000 35172  
Development/Renovations

TOTAL Wildlife Fund \$ 6,400,000 35173

Administrative Building Fund (Fund 7026) 35174

C725D5 Fountain Square Telephone Improvements \$ 2,250,000 35175

C725D7 MARCS Equipment \$ 2,490,150 35176

C725E0 DNR Fairgrounds Areas Upgrading \$ 485,000 35177

C725N7 District Office Renovations \$ 2,000,000 35178

TOTAL Administrative Building Fund \$ 7,225,150 35179

Ohio Parks and Natural Resources Fund (Fund 7031) 35180

C72549 Facilities Development \$ 1,250,000 35181

C72599 State Parks, Campgrounds, Lodges, Cabins \$ 2,600,000 35182

C725C2 Canals Hydraulics Work and Support \$ 200,000 35183  
Facilities

C725E1 Local Parks Projects Statewide \$ 11,366,525 35184

C725E5 Project Planning \$ 2,749,000 35185

C725J0 Natural Areas/Preserves \$ 1,000,000 35186  
Maintenance/Facilities

C725K0 State Park Renovations/Upgrading \$ 13,027,940 35187

C725N5	Wastewater/Water Systems Upgrades	\$	12,055,000	35188
C725N8	Operations Facilities Development	\$	2,500,000	35189
C72501	The Wilds	\$	500,000	35190
C725T3	Healthy Lake Erie Initiative	\$	10,000,000	35191
C725U0	<del>Savanna Ridge Enterprise Zone</del> Cleveland <del>Metroparks Zoo</del> <u>Zoological</u> <u>Society Savannah Ridge Project</u>	\$	500,000	35192
TOTAL Ohio Parks and Natural Resources Fund		\$	57,748,465	35193
Parks and Recreation Improvement Fund (Fund 7035)				35194
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	42,050,000	35195
C725B2	State Park Maintenance Facility Development	\$	3,000,000	35196
C725B5	Buckeye Lake Dam Rehabilitation	\$	4,000,000	35197
C725E2	Local Parks Projects	\$	35,639,595	35198
C725E6	Project Planning	\$	5,901,000	35199
C725M5	Lake Erie Island State Park/Middle Bass Island State Park	\$	6,000,000	35200
C725R4	Dam Rehabilitation - Parks	\$	41,100,000	35201
TOTAL Parks and Recreation Improvement Fund		\$	137,690,595	35202
Clean Ohio Trail Fund (Fund 7061)				35203
C72514	Clean Ohio Trail Fund	\$	12,500,000	35204
TOTAL Clean Ohio Trail Fund		\$	12,500,000	35205
Waterways Safety Fund (Fund 7086)				35206
C725A7	Cooperative Funding for Boating Facilities	\$	9,200,000	35207
C725N9	Operations Facilities Development	\$	820,000	35208
C725Q6	Facilities Development	\$	5,363,274	35209
TOTAL Waterways Safety Fund		\$	15,383,274	35210
TOTAL ALL FUNDS		\$	236,947,484	35211
FEDERAL REIMBURSEMENT				35212
All reimbursements received from the federal government for				35213
any expenditures made pursuant to this section shall be deposited				35214

in the state treasury to the credit of the <del>Parks and Recreation</del>	35215
<del>Improvement Fund (Fund 7035) fund from which the expenditure</del>	35216
<u>originated.</u>	35217
LOCAL PARK PROJECTS STATEWIDE	35218
Of the foregoing appropriation item C725E1, Local Parks	35219
Projects Statewide, an amount equal to two per cent of the	35220
projects listed may be used by the Department of Natural Resources	35221
for the administration of local projects, \$3,500,000 shall be used	35222
for the Flats East Gateway and Riverfront Park, \$1,000,000 shall	35223
be used for the City of Celina Boardwalk, \$1,000,000 shall be used	35224
for the Middletown River Center, \$1,000,000 shall be used for the	35225
Voice of America Multi-Purpose Field and Athletic Complex,	35226
\$1,000,000 shall be used for the Euclid Waterfront Improvements	35227
Plan - Phase II Implementation, \$875,000 shall be used for the	35228
Preble County Agricultural Facility Improvements, \$500,000 shall	35229
be used for the New Economy Neighborhood - Phase II, \$500,000	35230
shall be used for the Nimisila Spillway Replacement Project,	35231
\$350,000 shall be used for the Perry Township Park Lakeshore	35232
Stabilization, \$300,000 shall be used for the Fairfield Sports	35233
Complex Entrance, \$250,000 shall be used for the Riverfront	35234
Enhancement, \$250,000 shall be used for the Earl Thomas Conley	35235
Riverside Park Campground, \$150,000 shall be used for the Treasure	35236
Island River Corridor Improvement, \$150,000 shall be used for the	35237
Russ Nature Reserve, \$100,000 shall be used for the Hillsboro	35238
North High Trail and Pedestrian Bridge, \$100,000 shall be used for	35239
the PASA Field Lighting, \$100,000 shall be used for the Gallipolis	35240
Riverfront Project - Phase I, \$80,000 shall be used for the Black	35241
River Landing Pavilion, \$50,000 shall be used for the Loudonville	35242
Public Swimming Pool, \$35,000 shall be used for the A.S.K.	35243
Playground, \$30,000 shall be used for the Medina Community	35244
Recreation Center, \$25,000 shall be used for the Newbury Veterans'	35245
Memorial Park, and \$21,525 shall be used for the Black Swamp	35246

Education Center Parking Lot.	35247
LOCAL PARKS PROJECTS	35248
Of the foregoing appropriation item C725E2, Local Parks	35249
Projects, an amount equal to two per cent of the projects listed	35250
may be used by the Department of Natural Resources for the	35251
administration of local projects, \$15,000,000 shall be used for	35252
the Veterans Memorial, \$5,000,000 shall be used for the City of	35253
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for	35254
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the	35255
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the	35256
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami	35257
Scenic Trail- Bridge Construction, \$500,000 shall be used for the	35258
Shaker Heights Van Aken District, \$500,000 shall be used for the	35259
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy	35260
Greenway Trail Highbanks Connector, \$500,000 shall be used for	35261
Hilliard Station Park, \$500,000 shall be used for the MidPointe	35262
Crossing - Swift Park, \$500,000 shall be used for the Smale	35263
Riverfront Park, \$500,000 shall be used for the Green Township	35264
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used	35265
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall	35266
be used for the City of Sylvania River Trail, \$285,545 shall be	35267
used for the Celina Westview Park Quad, \$250,000 shall be used for	35268
the New Bremen Lions Park Development, \$250,000 shall be used for	35269
the Montgomery County Agricultural Facility Improvements, \$250,000	35270
shall be used for Northam Park, \$250,000 shall be used for the	35271
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for	35272
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel	35273
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike	35274
Path, \$150,000 shall be used for the Logan County Agricultural	35275
Facility Improvements, \$150,000 shall be used for the Help All	35276
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used	35277
for York Township Park, \$150,000 shall be used for Eastview Park,	35278

\$120,000 shall be used for the Shelby County Agricultural Facility 35279  
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 35280  
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 35281  
shall be used for the Shanes Park Expansion, \$92,000 shall be used 35282  
for the Defiance County Agricultural Facility Improvements, 35283  
\$50,000 shall be used for the Moonville Rail Trail Bridges and 35284  
Construction, \$50,000 shall be used for the All-Pro Freight 35285  
Stadium Improvements, \$50,000 shall be used for the Bowling Green 35286  
Nature Center, \$49,000 shall be used for the Lynchburg Old School 35287  
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - 35288  
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill 35289  
Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, 35290  
\$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 35291  
shall be used for the Round Town Bike Trail, and \$27,750 shall be 35292  
used for the Shalersville Park Walking Trail. 35293

**Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION** 35294

Lottery Profits Education Fund (Fund 7017) 35295

C23014 Classroom Facilities Assistance Program \$ 100,000,000 35296  
- Lottery Profits

TOTAL Lottery Profits Education Fund \$ 100,000,000 35297

Public School Building Fund (Fund 7021) 35298

C230V9 School Security Grants \$ 17,345,000 35299

TOTAL Public School Building Fund \$ 17,345,000 35300

Administrative Building Fund (Fund 7026) 35301

C23016 Energy Conservation Projects \$ 3,000,000 35302

C230E5 State Agency Planning/Assessment \$ 500,000 35303

TOTAL Administrative Building Fund \$ 3,500,000 35304

Cultural and Sports Facilities Building Fund (Fund 7030) 35305

C23022 Woodward Opera House Redevelopment \$ 100,000 35306

C23023 OHS - Ohio History Center Exhibit \$ 840,750 35307

	Replacement			
C23024	OHS - Statewide Site Exhibit Renovation	\$	420,000	35308
C23025	OHS - Statewide Site Repairs	\$	1,152,700	35309
C23027	OHS - Zoar Village Building Restoration	\$	502,500	35310
C23028	OHS - Basic Renovations and Emergency	\$	850,000	35311
	Repairs			
C23030	OHS - Rankin House State Memorial	\$	653,000	35312
C23031	OHS - Harding Home State Memorial	\$	250,000	35313
C23032	OHS - Ohio Historical Center	\$	985,000	35314
	Rehabilitation			
C23033	OHS - Stowe House State Memorial	\$	300,000	35315
C23038	OHS - Fort Amanda State Memorial	\$	395,000	35316
C23042	Tecumseh - Sugarloaf Mountain	\$	33,500	35317
	Amphitheatre			
C23044	OHS - Ohio River Museum	\$	52,200	35318
C23045	OHS - Lockington Locks Stabilization	\$	358,900	35319
C23057	OHS - Online Portal to Ohio's Heritage	\$	1,246,000	35320
C23059	Lake Erie Nature and Science Center	\$	300,000	35321
C23068	Huntington House	\$	75,000	35322
C23077	Columbus Museum of Art: Expansion and	\$	1,101,000	35323
	Renovation Phase 3			
C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522	35324
C23091	Ohio Theatre - Toledo	\$	201,000	35325
C23098	Twin City Opera House	\$	400,000	35326
C230A1	Preble County Historical Society	\$	50,000	35327
C230A6	Secrest Auditorium Renovation	\$	125,000	35328
C230B1	Karamu House	\$	1,060,522	35329
C230C5	OHS - Collections Storage Facility	\$	212,000	35330
	Object Evaluation			
C230C6	OHS - Historic Site Signage	\$	300,000	35331
C230C8	OHS - Serpent Mound	\$	397,900	35332
C230D1	OHS - Great Circle Earthworks	\$	75,000	35333
C230D4	OHS - Fort Laurens	\$	45,000	35334

C230E6	OHS - Exhibits for Native American Sites	\$	500,000	35335
C230E7	OHS - Hayes Presidential Center	\$	50,000	35336
C230E8	OHS - Armstrong Air and Space Museum	\$	45,000	35337
C230E9	OHS - Museum of Ceramics	\$	223,850	35338
C230F1	OHS - Campus Martius Museum	\$	145,200	35339
C230F2	Second Century Project	\$	200,000	35340
C230F3	Stuart's Opera House	\$	500,000	35341
C230F4	The Gordon, Hauss, Folk Company Mill	\$	250,000	35342
C230F5	Thatcher Temple Art Building	\$	37,500	35343
C230F6	Fitton Center for Creative Arts	\$	100,000	35344
C230F7	Oxford Community Arts Center	\$	450,000	35345
C230F8	Gammon House Improvements	\$	75,000	35346
C230F9	Clark State Community College Performing Arts Center	\$	275,000	35347
C230G1	Murphy Theatre	\$	150,000	35348
C230G2	Johnson-Humrick House Museum	\$	57,960	35349
C230G3	Public artPARK	\$	200,000	35350
C230G4	Schines Art Park	\$	357,500	35351
C230G5	Bedford Historical Society	\$	100,000	35352
C230G6	Rainey Institute - Safe Parking	\$	\$125,000	35353
C230G7	Ukrainian Museum - Archives	\$	125,000	35354
C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	35355
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	35356
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	35357
C230H2	Cozad Bates House	\$	365,131	35358
C230H3	Beck Center	\$	402,349	35359
C230H5	University Hospital Seidman Cancer Center Proton Therapy Center	\$	500,000	35360
C230H7	Western Reserve Historical Society	\$	750,000	35361
C230H9	Gordon Square Arts District	\$	1,000,000	35362

<del>C230J1</del>	<del>Rock and Roll Hall of Fame</del>	\$	<del>1,060,522</del>	35363
C230J4	Cleveland Museum of Natural History	\$	2,500,000	35364
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	35365
C230J6	West Side Market Renovation	\$	500,000	35366
C230J7	Cardinal Center	\$	75,000	35367
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	35368
C230J9	St. Clair Memorial Hall	\$	500,000	35369
C230K1	Historic Strand Theatre Renovation	\$	150,000	35370
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	35371
C230K3	African-American Legacy Project	\$	75,000	35372
C230K4	Ohio Glass Museum Furnace System	\$	10,000	35373
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	35374
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	35375
C230K7	Georgian Museum Storage Facility	\$	30,000	35376
C230K8	Sherman House Museum	\$	35,000	35377
C230K9	Washington Court House Auditorium Project	\$	100,000	35378
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	35379
C230L2	Glass Axis Relocation	\$	150,000	35380
C230L3	Harmony Project	\$	300,000	35381
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000	35382
C230L5	Columbus Theater-Based Community Development Project	\$	1,000,000	35383
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	35384
C230L7	Sauder Village - 1920 Homestead	\$	300,000	35385
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	35386
C230L9	Ariel-Ann Carson Dater Performing Arts	\$	100,000	35387



	Centre			
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	35388
C230M2	Geauga County Historical Society	\$	56,000	35389
C230M3	Chardon Lyric Theatre	\$	50,000	35390
C230M4	Chardon Heritage House	\$	200,000	35391
C230M5	Incline Theater Project	\$	550,000	35392
C230M6	Cincinnati Art Museum - Make Room for	\$	825,000	35393
	Art			
C230M7	Hamilton County Memorial Hall	\$	2,000,000	35394
C230M8	Cincinnati Zoo	\$	2,000,000	35395
C230M9	Union Terminal Restoration	\$	5,000,000	35396
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	35397
C230N2	Kan Du Community Arts Center	\$	520,000	35398
C230N3	Findlay Central Auditorium	\$	1,000,000	35399
C230N4	Appalachian Forest Museum	\$	100,000	35400
C230N5	Logan Theater	\$	25,000	35401
C230N6	Willard Train Viewing Platform	\$	50,000	35402
C230N7	Markay Theatre Renovation	\$	150,000	35403
C230N8	Grand Theater Restoration Project	\$	140,000	35404
C230N9	South Leroy Historic Meeting House	\$	15,000	35405
	Restoration			
C230P1	Willoughby Fine Arts Association -	\$	500,000	35406
	Facility Expansion			
C230P2	Ironton Cultural Arts Operations	\$	100,000	35407
	Facility			
C230P3	Sterling Theater Revitalization Project	\$	200,000	35408
C230P4	Logan County Veterans' Memorial Hall	\$	250,000	35409
C230P5	Columbia Station 1812 Block House	\$	28,000	35410
	Project			
C230P6	Avon Isle Renovation Phase 2	\$	82,775	35411
C230P7	Oberlin Gasholder Building/Underground	\$	200,000	35412
	Railroad Center			
C230P8	Carnegie Building Renovation	\$	500,000	35413

C230P9	Toledo Zoo	\$	750,000	35414
C230Q1	Imagination Station Improvements	\$	695,000	35415
C230Q2	War of 1812 Exhibit	\$	35,000	35416
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	35417
C230Q4	Toledo Repertoire Theatre	\$	150,000	35418
C230Q5	Valentine Theatre Initiative	\$	136,000	35419
C230Q6	Southern Park Historic District	\$	250,000	35420
C230Q7	Butler Institute of Art	\$	279,717	35421
C230Q8	Stambaugh Auditorium	\$	500,000	35422
C230Q9	Marion Palace Theatre	\$	731,000	35423
C230R1	Bradford Rail Museum	\$	275,000	35424
C230R2	K12 and TEJAS Building Project	\$	50,000	35425
C230R3	River Run Murals Project	\$	82,500	35426
C230R4	Dayton Contemporary Dance Company Studio Renovations	\$	125,000	35427
C230R5	Wright Company Factory Project	\$	250,000	35428
C230R6	Victoria Theatre and Metropolitan Arts Center	\$	825,000	35429
C230R7	Preserving & Updating the Historic Dayton Art Institute	\$	2,198,500	35430
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000	35431
C230R9	Opera House Project	\$	100,000	35432
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000	35433
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	35434
C230S3	Hayden Auditorium - Hiram	\$	260,854	35435
C230S4	Majestic Theater Renovation	\$	36,000	35436
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	35437
C230S6	Pumphouse Center for the Arts	\$	130,000	35438
C230S7	Historic Sidney Theatre	\$	500,000	35439

C230S8	Pro Football Hall of Fame	\$	10,000,000	35440
C230S9	Park Theater Renovation	\$	159,078	35441
C230T1	Akron Civic Theater	\$	530,261	35442
C230T2	John Brown House and Grounds	\$	50,000	35443
C230T3	Hale Farm	\$	500,000	35444
C230T4	Urichsville Clay Museum	\$	150,000	35445
C230T5	Mason Historical Society	\$	350,000	35446
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	35447
C230T7	Historic Theatre Restoration	\$	500,000	35448
C230T8	County Line Historical Society	\$	46,000	35449
C230T9	Pemberville Opera House Elevator Project	\$	220,000	35450
C230U1	Wood County Historical Center & Museum Accessibility Project	\$	600,000	35451
C230U2	Avon Lake - Folger House	\$	150,000	35452
C230U3	DeYor Performing Arts Center	\$	100,000	35453
TOTAL	Cultural and Sports Facilities Building Fund	\$	<del>76,400,704</del> <u>75,340,182</u>	35454
	School Building Program Assistance Fund (Fund 7032)			35455
C23002	School Building Program Assistance	\$	575,000,000	35456
TOTAL	School Building Program Assistance Fund	\$	575,000,000	35457
TOTAL ALL FUNDS		\$	<del>754,900,704</del> <u>771,185,182</u>	35458
	<u>SCHOOL SECURITY GRANTS</u>			35459
	<u>The foregoing appropriation item C230V9, School Security</u>			35460
	<u>Grants, shall be used by the School Facilities Commission to</u>			35461
	<u>provide funding to all public and chartered nonpublic schools for</u>			35462
	<u>the purchase and installation of one Multi-Agency Radio</u>			35463
	<u>Communications System (MARCS) unit per school building and a</u>			35464
	<u>security door system, consisting of a security camera, an</u>			35465
	<u>intercom, and remote access, at one main entrance per school</u>			35466
	<u>building. If law enforcement agencies with jurisdiction over all</u>			35467
	<u>or a portion of the geographical area of a public or chartered</u>			35468

nonpublic school do not use MARCS, a public or chartered nonpublic 35469  
school may purchase one emergency communications system compatible 35470  
with the system or systems in use by law enforcement agencies with 35471  
jurisdiction over the school territory. A public or chartered 35472  
nonpublic school may apply to the School Facilities Commission for 35473  
reimbursement up to \$2,000 for one MARCS unit or other emergency 35474  
communications system per school building and up to \$5,000 for 35475  
costs incurred with the purchase of a security door system 35476  
installed on or after January 1, 2013. A public or chartered 35477  
nonpublic school may receive reimbursement for either a MARCS unit 35478  
or another emergency communications system, but not both. A school 35479  
previously awarded funds for one of the grant items under this 35480  
program may not receive a second award for that same grant item. 35481

STATE AGENCY PLANNING/ASSESSMENT 35482

The foregoing appropriation item C230E5, State Agency 35483  
Planning/Assessment, shall be used by the Facilities Construction 35484  
Commission to provide assistance to any state agency for 35485  
assessment, capital planning, and maintenance management. 35486

GEAUGA COUNTY HISTORICAL SOCIETY 35487

Of the foregoing appropriation item C230M2, Geauga County 35488  
Historical Society, \$12,000 shall be used for Geauga Historical 35489  
Society - White Barn Restoration, \$18,000 shall be used for Geauga 35490  
Historical Society - Maple Museum, and \$26,000 shall be used for 35491  
Gauga Historical Society - Lennah Bond Center. 35492

SCHOOL BUILDING PROGRAM ASSISTANCE 35493

The foregoing appropriation item C23002, School Building 35494  
Program Assistance, shall be used by the School Facilities 35495  
Commission to provide funding to school districts that receive 35496  
conditional approval from the Commission pursuant to Chapter 3318. 35497  
of the Revised Code. 35498

		Reappropriations	
<b>Sec. 253.330. UCN UNIVERSITY OF CINCINNATI</b>			35499
Higher Education Improvement Fund (Fund 7034)			35500
C26530	Medical Science Building Renovation and Expansion	\$ 9,700,000	35501
C26553	Developmental Neurobiology	\$ 294,637	35502
C26586	People Working Cooperatively	\$ 100,000	35503
C26604	Barrett Cancer Center	\$ 26,765	35504
C26606	Hebrew Union College	\$ 119,167	35505
C26615	Beech Acres	\$ 3,665	35506
<del>C26616</del>	<del>Forest Park Homeland Security Facility</del>	<del>\$ 50,000</del>	35507
C26628	Rieveschl 500 Teaching Lab	\$ 67,303	35508
C26657	Blue Ash City Conference Center	\$ 150,000	35509
C26666	Snyder Building Roof Replacement - Clermont	\$ 1,455,000	35510
C26669	General Electric Aviation Research Center	\$ 4,850,000	35511
C26671	Muntz Hall Renovations, 100 Level	\$ 298,290	35512
C26673	MRI Pilot Microfactory	\$ 77,600	35513
C26675	Kettering Lab - Mechanical and Electrical Renovation	\$ 286,152	35514
C26680	Muntz Hall Rehabilitation - Phase 1	\$ 1,150,000	35515
C26681	Institutional Roof Replacements	\$ 815,000	35516
<u>C26686</u>	<u>Hamilton County Fairgrounds Improvements</u>	<u>\$ 50,000</u>	35517
TOTAL Higher Education Improvement Fund		\$ 19,443,579	35518
TOTAL ALL FUNDS		\$ 19,443,579	35519
KETTERING LAB - MECHANICAL AND ELECTRICAL RENOVATION			35520
The amount reappropriated for the foregoing appropriation			35521
item C26675, Kettering Lab - Mechanical and Electrical Renovation,			35522
is the unencumbered and unallotted balance as of June 30, 2014, in			35523
appropriation item C26675, Kettering Lab - Mechanical and			35524
Electrical Renovation, plus the unencumbered and unallotted			35525
balance as of June 30, 2014, in appropriation items C26541,			35526

Student Services, and C26571, Gas Turbine Spray Combustion. 35527

MUNTZ HALL REHABILITATION - PHASE 1 35528

The amount reappropriated for the foregoing appropriation 35529  
item C26680, Muntz Hall Rehabilitation - Phase 1, is the 35530  
unencumbered and unallotted balance as of June 30, 2014, in 35531  
appropriation item C26680, Muntz Hall Rehabilitation - Phase 1, 35532  
plus the unencumbered and unallotted balance as of June 30, 2014, 35533  
in appropriation items C26502, Raymond Walters Renovations, and 35534  
C26667, Muntz Hall Roof Replacement - Blue Ash. 35535

INSTITUTIONAL ROOF REPLACEMENTS 35536

The amount reappropriated for the foregoing appropriation 35537  
item C26681, Institutional Roof Replacements, is the unencumbered 35538  
and unallotted balance as of June 30, 2014, in appropriation item 35539  
C26681, Institutional Roof Replacements, plus the unencumbered and 35540  
unallotted balance as of June 30, 2014, in appropriation item 35541  
C26665, Health Professions Building Roof Repairs. 35542

HAMILTON COUNTY FAIRGROUNDS IMPROVEMENTS 35543

The amount reappropriated for the foregoing appropriation 35544  
item C26686, Hamilton County Fairgrounds Improvements, is the 35545  
unencumbered and unallotted balance as of June 30, 2014, in 35546  
appropriation item C26686, Hamilton County Fairgrounds 35547  
Improvements, plus the unencumbered and unallotted balance as of 35548  
June 30, 2014, in appropriation item C26616, Forest Park Homeland 35549  
Security Facility. 35550

Reappropriations

**Sec. 269.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 35551  
SERVICES 35552  
Mental Health Facilities Improvement Fund (Fund 7033) 35553  
C58000 Hazardous Materials Abatement \$ 121,250 35554  
C58001 Community Assistance Projects \$ 485,000 35555

C58004	Demolition	\$	145,500	35556
C58006	Patient Care/Environment Improvement	\$	291,000	35557
C58007	Infrastructure Renovations	\$	485,000	35558
C58008	Emergency Improvements	\$	291,000	35559
C58009	Patient Environment Improvement	\$	1,202	35560
	Consolidation			
C58010	Campus Consolidation	\$	4,850,000	35561
C58020	Mandel Jewish Community Center	\$	210,000	35562
TOTAL	Mental Health Facilities Improvement Fund	\$	6,879,952	35563
TOTAL	ALL FUNDS	\$	6,879,952	35564

INFRASTRUCTURE RENOVATIONS 35565

The amount reappropriated for the foregoing appropriation 35566  
item C58007, Infrastructure Renovations, is the unencumbered and 35567  
unallotted balance as of June 30, 2014, plus \$2,225,572. Prior to 35568  
the expenditure of this reappropriation, the Director of Mental 35569  
Health and Addiction Services shall certify to the Director of 35570  
Budget and Management canceled encumbrances in the amount of at 35571  
least \$2,225,572. 35572

**Sec. 701.50. DISASTER SERVICES** 35573

Notwithstanding any other provision of law, upon the request 35574  
of the Department of Public Safety, the Controlling Board may 35575  
approve the transfer of up to ~~\$4,000,000~~ \$8,000,000 from the 35576  
Disaster Services Fund (Fund 5E20) to a fund and appropriation 35577  
item used by the Department of Public Safety for Putnam County 35578  
flood mitigation projects. Moneys in the designated fund shall be 35579  
awarded to the local public agency that is leading the projects. 35580

**Section 630.11.** That existing Sections 207.100, 207.250, 35581  
207.340, 207.440, 223.10, 239.10, 253.330, 269.10, and 701.50 of 35582  
Am. H.B. 497 of the 130th General Assembly are hereby repealed. 35583

**Section 640.10.** That Section 9 of Am. Sub. S.B. 206 of the 35584

130th General Assembly be amended to read as follows: 35585

**Sec. 9.** All items in this section are hereby appropriated as 35586  
designated out of any moneys in the state treasury to the credit 35587  
of the designated fund. For all appropriations made in this act, 35588  
those in the first column are for fiscal year 2014 and those in 35589  
the second column are for fiscal year 2015. The appropriations 35590  
made in this act are in addition to any other appropriations made 35591  
for the FY 2014-FY 2015 biennium. 35592

Appropriations

JMO JOINT MEDICAID OVERSIGHT COMMITTEE 35593

General Revenue Fund 35594

GRF 048321 Operating Expenses \$ 350,000 \$ 500,000 35595

TOTAL GRF General Revenue Fund \$ 350,000 \$ 500,000 35596

TOTAL ALL BUDGET FUND GROUPS \$ 350,000 \$ 500,000 35597

OPERATING EXPENSES 35598

The foregoing appropriation item 048321, Operating Expenses, 35599  
shall be used to support expenses related to the Joint Medicaid 35600  
Oversight Committee created by section 103.41 of the Revised Code. 35601

On July 1, 2014, or as soon as possible thereafter, the 35602  
Executive Director of the Joint Medicaid Oversight Committee may 35603  
certify to the Director of Budget and Management the amount of the 35604  
unexpended, unencumbered balance of the foregoing appropriation 35605  
item 048321, Operating Expenses, at the end of fiscal year 2014 to 35606  
be reappropriated to fiscal year 2015. The amount certified is 35607  
hereby reappropriated to the same appropriation item for fiscal 35608  
year 2015. 35609

**Section 640.11.** That existing Section 9 of Am. Sub. S.B. 206 35610  
of the 130th General Assembly is hereby repealed. 35611



**Section 690.10.** That Section 747.40 of Am. Sub. H.B. 59 of 35612  
the 130th General Assembly is hereby repealed. 35613

**Section 703.10.** (A) There is hereby created the Mental Health 35614  
and Addiction Services Planning for Ohio's Future Study Committee. 35615  
The Committee shall review and make recommendations for improving 35616  
access and dedicating consistent funding streams to this state's 35617  
mental health and addiction services programming. The Committee 35618  
shall consist of the following members: 35619

(1) The Director of Job and Family Services or the Director's 35620  
designee; 35621

(2) The Medicaid Director or the Director's designee; 35622

(3) The Director of Mental Health and Addiction Services or 35623  
the Director's designee; 35624

(4) The Director of Health or the Director's designee; 35625

(5) The Director of Rehabilitation and Corrections or the 35626  
Director's designee; 35627

(6) The Director of Youth Services or the Director's 35628  
designee; 35629

(7) The Attorney General or the Attorney General's designee; 35630

(8) The Chief Justice of the Supreme Court of Ohio or the 35631  
Chief Justice's designee; 35632

(9) The Executive Director of the Ohio Commission on Minority 35633  
Health; 35634

(10) The Superintendent of Public Instruction or the 35635  
Superintendent's designee; 35636

(11) One representative from each of the following 35637  
organizations, appointed by the organization's chief executive 35638  
officer or the individual serving in an equivalent capacity for 35639

the organization:	35640
(a) The Association of Ohio Health Commissioners, Incorporated;	35641 35642
(b) The County Commissioners' Association of Ohio;	35643
(c) The Mental Health and Addiction Advocacy Coalition;	35644
(d) The Multiethnic Advocates for Cultural Competence, Incorporated;	35645 35646
(e) The National Alliance on Mental Illness (NAMI) Ohio;	35647
(f) The National Association of Social Workers Ohio Chapter;	35648
(g) The Ohio Alliance of Recovery Providers;	35649
(h) The Ohio Association of Community Health Centers;	35650
(i) The Ohio Association of County Behavioral Health Authorities;	35651 35652
(j) The Ohio Association of Health Plans;	35653
(k) The Ohio Children's Hospital Association;	35654
(l) Ohio Citizen Advocates for Addiction Recovery;	35655
(m) The Ohio Council of Behavioral Health and Family Services Providers;	35656 35657
(n) The Ohio Empowerment Coalition;	35658
(o) The Ohio Hospital Association;	35659
(p) The Ohio Psychiatric Physicians Association;	35660
(q) The Ohio Psychological Association;	35661
(r) The Ohio Suicide Prevention Foundation.	35662
(12) One executive director of an alcohol, drug addiction, and mental health service district, who shall be selected by the directors of the six Ohio Department of Mental Health and Addiction Services regional psychiatric hospitals, to represent	35663 35664 35665 35666

the six regional psychiatric hospitals. 35667

(B) Appointments to the Committee shall be made not later 35668  
than fifteen days after the effective date of this section. 35669  
Vacancies shall be filled in the same manner as the original 35670  
appointments. The Committee shall convene not later than thirty 35671  
days after the effective date of this section. 35672

(C) Members of the Committee shall serve without compensation 35673  
or reimbursement for expenses incurred while serving on the 35674  
Committee. 35675

(D) The Legislative Service Commission shall provide 35676  
administrative support for the Committee. 35677

(E) The Committee shall do all of the following: 35678

(1) Review evidence of the correlation between effective, 35679  
efficient, and evidence-based behavioral health programming and 35680  
cost savings to this state; 35681

(2) Identify existing best practices for improving consumer 35682  
access to mental health and addiction services programming; 35683

(3) Recommend a five-year vision that this state should adopt 35684  
relating to mental health and addiction services and programming 35685  
essential to help consumers lead safe, healthy, and productive 35686  
lives in the community; 35687

(4) Recommend financial strategies to sustain the mental 35688  
health and addiction services system of this state over time to 35689  
create a state funding stream that is constant and does not 35690  
fluctuate with every state budget proposal; 35691

(5) Ensure that all recommendations adhere to state and 35692  
federal law. 35693

(F) The Committee shall prepare a report of its findings and 35694  
recommendations and, not later than December 31, 2014, submit the 35695  
report to the General Assembly and the Governor. Upon submission 35696

of the report, the Committee shall cease to exist. 35697

**Section 719.10.** On and after the effective date of this act, 35698  
the full-time judge of the Avon Lake Municipal Court, who prior to 35699  
the effective date of this act was the part-time judge of that 35700  
court, shall perform the duties of a full-time judge of a 35701  
municipal court, shall receive the salary specified in law for a 35702  
full-time judge of a municipal court, and shall be subject to any 35703  
restriction specified in law for a full-time judge of a municipal 35704  
court. 35705

**Section 729.10.** (A)(1) There is hereby created the Criminal 35706  
Justice Recodification Committee, consisting of nineteen members. 35707  
Two members shall be members of the Senate, appointed by the 35708  
President of the Senate. Two members shall be members of the House 35709  
of Representatives, appointed by the Speaker of the House of 35710  
Representatives. One member shall be the Director of 35711  
Rehabilitation and Correction or the Director's individual 35712  
designee. Three members, not more than two of whom shall be 35713  
members of the same political party, shall be judges jointly 35714  
appointed by the President of the Senate and the Speaker of the 35715  
House of Representatives after consulting with the Chief Justice 35716  
of the Supreme Court, with each judge being a judge of a court of 35717  
appeals, judge of a court of common pleas, judge of a municipal 35718  
court, or judge of a county court. The following eleven members, 35719  
not more than six of whom shall be members of the same political 35720  
party, shall be jointly appointed by the President of the Senate 35721  
and the Speaker of the House of Representatives after consulting 35722  
with the appropriate state associations, if any, that are 35723  
represented by these members: one sheriff; one peace officer of a 35724  
municipal corporation or township; three prosecutors, each of whom 35725  
is a county prosecuting attorney or a full-time city prosecuting 35726  
attorney; three attorneys whose practice of law primarily involves 35727

the representation of criminal defendants; one member of the Ohio State Bar Association; one representative of community corrections programs; and one representative of community addiction services providers or community mental health services providers.

All appointed members of the Committee shall be appointed by the specified appointing authority not later than thirty days after the effective date of this section. All members of the Committee who are elected officials and whose term of office expires prior to January 1, 2016, shall serve until the expiration of their term of office. Any vacancy on the Committee shall be filled in the same manner as the original appointment.

When the President of the Senate and the Speaker of the House of Representatives make their appointments to the Committee, they shall consider adequate representation by race and gender.

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

(a) "Community addiction services provider" and "community mental health services provider" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Community corrections programs" has the same meaning as in section 5149.30 of the Revised Code.

(B) The Committee initially shall meet not later than sixty days after the effective date of this act. At its initial meeting, the Committee shall organize, select a Chairperson and Vice-chairperson and any other necessary officers, and adopt rules to govern its proceedings. The Committee shall meet as necessary at the call of the Chairperson or on the written request of seven or more of its members. Nine members of the Committee constitute a quorum, and the votes of a majority of the quorum present shall be required to validate any action of the Committee. All business of the Committee shall be conducted in public meetings.

The members of the Committee shall serve without 35758  
compensation, but each member shall be reimbursed for the member's 35759  
actual and necessary expenses incurred in the performance of the 35760  
member's official duties on the Committee. In the absence of the 35761  
Chairperson, the Vice-chairperson shall perform the duties of the 35762  
Chairperson. 35763

(C) The Committee has the same powers as other standing or 35764  
select committees of the General Assembly. The Legislative Service 35765  
Commission shall provide to the Committee, upon its request, 35766  
research and technical services and support. Independent of this 35767  
provision of services and support, the Committee may consult with, 35768  
and seek and obtain research and technical services and support 35769  
from, any individual, organization, association, college, or 35770  
university. All state and local government agencies and entities 35771  
shall cooperate with the Committee in the performance of its 35772  
duties under this section and Section 729.11 of this act. 35773

**Section 729.11.** (A) The Criminal Justice Recodification 35774  
Committee shall study the existing criminal statutes of this 35775  
state, with the goal of enhancing public safety and the 35776  
administration of criminal justice in Ohio by eliminating 35777  
duplication in those statutes, aligning those statutes with the 35778  
purpose of defining a culpable mental state for all crimes, 35779  
removing or revising crimes included in those statutes for which 35780  
no culpable mental state is provided, and other appropriate 35781  
measures. The Committee shall use the results of its study to 35782  
develop and recommend to the General Assembly a comprehensive plan 35783  
for revising the state's Criminal Code that is consistent with 35784  
those specified goals of the study. 35785

(B) Not later than January 1, 2016, the Criminal Justice 35786  
Recodification Committee shall recommend to the General Assembly a 35787  
comprehensive plan for revising the state's Criminal Code that is 35788

consistent with the goals of the Committee's study that are 35789  
specified in division (A) of this section. 35790

(C) Upon its submission to the General Assembly pursuant to 35791  
division (B) of this section of its recommendations for a 35792  
comprehensive plan for revising the state's Criminal Code, the 35793  
Criminal Justice Recodification Committee shall cease to exist. 35794

**Section 735.10.** Rule 111-3-05 of the Administrative Code, 35795  
which regulates corporate and labor organization political 35796  
communications, is void. 35797

**Section 737.10.** As used in this section, "federally qualified 35798  
health center" and "federally qualified health center look-alike" 35799  
have the same meanings as in section 3701.047 of the Revised Code. 35800  
35801

(A) Not later than January 1, 2015, the Director of Health 35802  
shall establish a prenatal group health care pilot program that is 35803  
based on the CenteringPregnancy model of care and the University 35804  
of Cincinnati Social Determinants Program developed by the 35805  
Centering Healthcare Institute and the University of Cincinnati 35806  
Division of Community Women's Health. The pilot program shall be 35807  
operated for three years at four federally qualified health 35808  
centers or federally qualified health center look-alikes selected 35809  
by the Director in accordance with division (B) of this section. 35810  
Two participants must be located in a rural area, and two 35811  
participants must be located in an urban area. 35812

(B) The Director shall develop a process to be used in 35813  
issuing a request for proposals to federally qualified health 35814  
centers and federally qualified health center look-alikes in this 35815  
state, receiving responses to the request, and evaluating the 35816  
responses on a competitive basis. In the request for proposals, 35817  
the Director shall specify that a pilot program participant must 35818

be able to demonstrate that it can meet all of the following	35819
requirements:	35820
(1) Has space to comfortably host pilot program groups	35821
consisting of up to twenty persons;	35822
(2) Has adequate in-kind resources to contribute to the pilot	35823
program, including existing medical staff;	35824
(3) Is an active obstetrical clinic, where prenatal medical	35825
care is provided on site and has had, on average, at least one	35826
hundred patients give birth annually in the years recently	35827
preceding the effective date of this section;	35828
(4) Is able to designate at least one employee to serve as	35829
pilot program Coordinator;	35830
(5) Agrees to implement before July 1, 2015, all the	35831
requirements of the University of Cincinnati Social Determinants	35832
Program;	35833
(6) Provides referral and access to care coordination and	35834
home visitation services for those patients participating in the	35835
pilot program;	35836
(7) Is willing to share research and quality improvement data	35837
and participate in a collaborative exchange of information with	35838
other pilot program participants;	35839
(8) Any other requirements established by the Director.	35840
(C) The Director shall convene a committee to assist the	35841
Director in evaluating submitted proposals and selecting pilot	35842
program participants. At least one member of the committee shall	35843
represent the Ohio Association of Community Health Centers and one	35844
member shall represent the University of Cincinnati Division of	35845
Community Women's Health.	35846
(D) The pilot program's goals shall include all of the	35847
following:	35848



(1) Decreasing the number of infants born preterm (prior to 35849  
37 weeks of pregnancy) whose birth weight is less than two 35850  
thousand five hundred grams; 35851

(2) Increasing the number of pregnant patients who begin 35852  
prenatal care during their first trimester of pregnancy, consume 35853  
appropriate amounts of folic acid, stop smoking, and are screened 35854  
for depression, the human immunodeficiency virus (HIV), diabetes, 35855  
and poor oral health; 35856

(3) Increasing the number of women who breastfeed their 35857  
infants. 35858

(E) The Ohio Association of Community Health Centers and 35859  
University of Cincinnati Division of Community Women's Health 35860  
shall assist the Director with the pilot program's operation. To 35861  
that end, the Association shall employ a part-time infant 35862  
mortality program coordinator and the Division shall employ a 35863  
full-time program coordinator and a full-time quality improvement 35864  
consultant whose duties include providing technical assistance to 35865  
pilot program participants, collecting data regarding the program, 35866  
and monitoring the program's success. 35867

(F) Not later than January 1 of each year beginning in 2016, 35868  
the Director shall prepare a written report that summarizes the 35869  
data that has been collected on the program in the preceding 35870  
twelve months; evaluates the program's achievement toward its 35871  
goals, including those specified in division (D) of this section; 35872  
makes recommendations for the program's future; and provides any 35873  
other information the Director considers appropriate for inclusion 35874  
in the report. On completion, the report shall be submitted to the 35875  
Governor and, in accordance with section 101.68 of the Revised 35876  
Code, the General Assembly. 35877

**Section 745.10.** (A) There is hereby created the Maritime Port 35878  
Funding Study Committee. The committee shall consist of the 35879

following ten members who shall be appointed not later than thirty 35880  
days after the effective date of this section: 35881

(1) Two members of the Senate, one of whom shall be a member 35882  
of the majority party and one of whom shall be a member of the 35883  
minority party, both appointed by the President of the Senate; 35884

(2) Two members of the House of Representatives, one of whom 35885  
shall be a member of the majority party and one of whom shall be a 35886  
member of the minority party, both appointed by the Speaker of the 35887  
House of Representatives; 35888

(3) Two members appointed by the Governor, one of whom shall 35889  
be from the Ohio Department of Transportation and be knowledgeable 35890  
about maritime ports and one of whom shall be from the Development 35891  
Services Agency; 35892

(4) Four members appointed jointly by the President of the 35893  
Senate and the Speaker of the House of Representatives, each of 35894  
whom shall represent maritime port interests on behalf of a major 35895  
maritime port and none of whom shall represent the same maritime 35896  
port. 35897

(B) The Committee shall select a chairperson and 35898  
vice-chairperson from among its members. The Committee first shall 35899  
meet within one month after the effective date of this section at 35900  
the call of the President of the Senate. Thereafter, the Committee 35901  
shall meet at the call of its chairperson as necessary to carry 35902  
out its duties. Members of the Committee are not entitled to 35903  
compensation for serving on the Committee, but may continue to 35904  
receive the compensation and benefits accruing from their regular 35905  
offices or employments. The Legislative Service Commission shall 35906  
provide the legislative members of the Committee with technical 35907  
and clerical staff as is necessary for those members to 35908  
successfully and efficiently fulfill their duties as committee 35909  
members. 35910

(C) The Committee shall study alternative funding mechanisms 35911  
for maritime ports in Ohio that may be utilized beginning in 35912  
fiscal year 2016-2017. Not later than January 1, 2015, the Study 35913  
Committee shall issue a report of its findings and recommendations 35914  
to the Governor, the President of the Senate, the Minority Leader 35915  
of the Senate, the Speaker of the House of Representatives, and 35916  
the Minority Leader of the House of Representatives. After 35917  
submitting the report, the Study Committee shall cease to exist. 35918

**Section 745.20.** Not later than January 23, 2015, the 35919  
Department of Public Safety, in consultation with the Department 35920  
of Administrative Services, shall submit a written recommendation 35921  
to the 131st General Assembly that specifies a formula, method, or 35922  
schedule by which user fees for the Multi-agency Radio 35923  
Communications System may be reduced from their current amounts. 35924

**Section 747.10.** LICENSING PERIOD FOR TERMINAL DISTRIBUTORS OF 35925  
DANGEROUS DRUGS 35926

In the case of a terminal distributor of dangerous drugs 35927  
holding a license issued or renewed pursuant to section 4729.54 of 35928  
the Revised Code that is valid on the effective date of this 35929  
section, the license remains in effect until April 1, 2015, unless 35930  
earlier revoked or suspended. The license holder is subject to the 35931  
renewal schedule established by division (I) of section 4729.54 of 35932  
the Revised Code, as amended by this act. 35933

**Section 747.20.** Rule 4781-1-02 of the Administrative Code, 35934  
which requires the Manufactured Homes Commission headquarters to 35935  
be in Dublin, Ohio, is void. 35936

**Section 747.30.** PRESCRIBER ACCESS TO OARRS 35937

As used in this section, "licensed health professional 35938  
authorized to prescribe drugs" means an individual who is 35939

authorized by law to prescribe drugs, dangerous drugs, or drug 35940  
therapy-related devices in the course of the individual's 35941  
professional practice, including only the following: a dentist 35942  
licensed under Chapter 4715. of the Revised Code, an advanced 35943  
practice registered nurse who holds a certificate to prescribe 35944  
issued under Chapter 4723. of the Revised Code, an optometrist 35945  
licensed under Chapter 4725. of the Revised Code to practice 35946  
optometry under a therapeutic pharmaceutical agents certificate, a 35947  
physician assistant who holds a certificate to prescribe issued 35948  
under Chapter 4730. of the Revised Code, and a physician 35949  
authorized under Chapter 4731. of the Revised Code to practice 35950  
medicine and surgery, osteopathic medicine and surgery, or 35951  
podiatric medicine and surgery. 35952

Not later than January 1, 2015, each licensed health 35953  
professional authorized to prescribe drugs who prescribes opioid 35954  
analgesics or benzodiazepines and each pharmacist licensed under 35955  
Chapter 4729. of the Revised Code shall obtain access to the drug 35956  
database established and maintained by the State Board of Pharmacy 35957  
pursuant to section 4729.75 of the Revised Code, unless the Board 35958  
has restricted the professional or pharmacist from obtaining 35959  
information from the database or the Board no longer maintains the 35960  
database. Failure to comply with this section constitutes grounds 35961  
for certificate or license suspension. 35962

**Section 751.20. WORKFORCE INTEGRATION TASK FORCE** 35963

(A) A workforce integration task force for individuals who 35964  
are deaf or blind is hereby established within the Opportunities 35965  
for Ohioans with Disabilities Agency. The task force shall be 35966  
co-chaired by the Executive Director of the Opportunities for 35967  
Ohioans with Disabilities Agency and the Director of the 35968  
Department of Job and Family Services. The co-chairs shall appoint 35969  
the members of the task force. 35970

(B) The task force shall collect data on the following	35971
regarding individuals who are deaf or blind in Ohio:	35972
(1) The average income levels for those individuals who are	35973
employed compared to those who are not employed;	35974
(2) The number of those individuals;	35975
(3) Where those individuals are geographically located;	35976
(4) The number of those individuals who are employed and in	35977
what job categories they are employed;	35978
(5) Whether barriers to employment exist for those	35979
individuals.	35980
(C) The task force shall use the data collected and any other	35981
information necessary to make recommendations regarding how those	35982
individuals may be more fully integrated into the workforce to	35983
increase employability and income parity. The task force shall	35984
issue a report of its findings and recommendations to the Governor	35985
not later than January 1, 2015. Upon issuance of its report, the	35986
task force ceases to exist.	35987
<b>Section 751.35. OHIO WORKS FIRST EMPLOYMENT INCENTIVE PILOT</b>	35988
<b>PROGRAM</b>	35989
(A) As used in this section, "TANF funds" means both of the	35990
following:	35991
(1) Federal funds provided under the temporary assistance for	35992
needy families block grant established by Title IV-A of the	35993
"Social Security Act," 42 U.S.C. 601, et seq.;	35994
(2) State maintenance of effort funds used to avoid a	35995
reduction in the federal funds specified in division (A)(1) of	35996
this section.	35997
(B) The Director of Job and Family Services shall establish	35998
the Ohio Works First Employment Incentive Pilot Program. The pilot	35999

program shall be operated for three years in counties served by 36000  
five county departments of job and family services the Director 36001  
selects. The Director may select county departments that serve one 36002  
county, county departments that serve multiple counties, or both 36003  
types of county departments. Subject to available TANF funds and 36004  
in accordance with rules adopted under this section, the pilot 36005  
program shall provide for a caseworker of a county department of 36006  
job and family services participating in the pilot program 36007  
receiving a bonus each time a former Ohio Works First participant 36008  
who the caseworker helped find employment has not been an Ohio 36009  
Works First participant for six months because the former 36010  
participant ceased to qualify for Ohio Works First due to 36011  
increased earned income resulting from the former participant's 36012  
employment. 36013

(C) A county department of job and family services 36014  
participating in the pilot program may contract with one or more 36015  
private entities to perform tasks for the county department under 36016  
the program. 36017

(D) The Director shall adopt rules in accordance with Chapter 36018  
119. of the Revised Code to implement the pilot program, including 36019  
rules that do all of the following: 36020

(1) Specify the bonus a caseworker is to receive under the 36021  
pilot program; 36022

(2) Establish procedures to be used to do either of the 36023  
following when more than one caseworker qualifies for the same 36024  
bonus: 36025

(a) Determine which caseworker is to receive the bonus; 36026

(b) Divide the bonus among the caseworkers. 36027

(3) Address any other matters the Director considers 36028  
necessary to implement the pilot program. 36029

(E) Not later than ninety days after the termination of the pilot program, the Director shall submit a report about the program to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The Director shall make the report available to the public. The report shall include information about the pilot program's effectiveness in encouraging caseworkers to help Ohio Works First participants obtain employment and cease participation in Ohio Works First. The report also shall include recommendations for any changes that should be made to the pilot program before it is made permanent and expanded statewide.

(F) The Department of Job and Family Services shall allocate \$50,000 in fiscal year 2015 from appropriation item 600689, TANF Block Grant, in Am. Sub. H.B. 59 of the 130th General Assembly to each of the five county departments of job and family services participating in the Ohio Works First Employment Incentive Pilot Program. The county departments shall use the funds for the administrative expenses they incur in participating in the pilot program.

**Section 751.37.** WORKGROUP TO HELP INDIVIDUALS TO CEASE RELYING ON PUBLIC ASSISTANCE

(A) The Governor shall convene a workgroup to develop proposals to help individuals to cease relying on public assistance as defined in section 5101.26 of the Revised Code. Not later than thirty days after the effective date of this section, the Governor shall appoint all of the following to the workgroup:

(1) The directors of the county departments of job and family services that serve the three most populous counties in the state;

(2) The directors of three county departments of job and family services that serve rural counties;

(3) The directors of three other county departments of job and family services. 36060  
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(B) A county department director appointed to the workgroup may designate another representative of the county department to serve in the director's place on the workgroup on a temporary or ongoing basis as needed. County department directors appointed to the workgroup and their designees shall serve without compensation, except to the extent that serving on the workgroup is part of their regular duties of employment. 36062  
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(C) The Governor shall designate one of the county department directors appointed to the workgroup to serve as the workgroup's chairperson. The workgroup shall meet at the chairperson's call. 36069  
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(D) The Department of Job and Family Services shall provide support staff and meeting space as necessary to facilitate the workgroup's work. 36072  
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(E) Not later than one hundred eighty days after the effective date of this section, the workgroup shall issue a report of the workgroup's proposals. The report shall be submitted to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The report is a public record for the purpose of section 149.43 of the Revised Code. The workgroup shall cease to exist on issuance of the report. 36075  
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**Section 751.40. SUPPORT FOR START TALKING! INITIATIVE** 36082

The Director of Mental Health and Addiction Services shall designate an employee who is certified as a prevention specialist by the Chemical Dependency Professionals Board to serve as coordinator for the Start Talking! Initiative and to assist with statewide efforts to prevent substance abuse among children. 36083  
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**Section 751.110. RETURNING OFFENDERS** 36088



(A) As used in this section: 36089

"Returning offender" means an individual who is released from 36090  
confinement in a state correctional facility to live in the 36091  
community on or after the effective date of this section. 36092

"State correctional facility" has the same meaning as in 36093  
section 2967.01 of the Revised Code. 36094

(B) Subject to division (C) of this section, the boards of 36095  
alcohol, drug addiction, and mental health services serving 36096  
Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties 36097  
shall prioritize the use of funds made available to the boards by 36098  
the Department of Mental Health and Addiction Services under Am. 36099  
Sub. H.B. 59 of the 130th General Assembly to temporarily assist 36100  
returning offenders who have severe mental illnesses, severe 36101  
substance use disorders, or both, and reside in the alcohol, drug 36102  
addiction, and mental health service districts the boards serve, 36103  
obtain Medicaid-covered community mental health services, 36104  
Medicaid-covered community drug addiction services, or both. A 36105  
board shall provide the temporary assistance to such a returning 36106  
offender regardless of whether the returning offender resided in 36107  
the district the board serves before being confined in a state 36108  
correctional facility. Such a returning offender's priority for 36109  
the temporary assistance shall end on the earlier of the 36110  
following: 36111

(1) The date that the offender is enrolled in the Medicaid 36112  
program or, if applicable, the date that the suspension of the 36113  
offender's Medicaid eligibility ends pursuant to section 5163.45 36114  
of the Revised Code; 36115

(2) Sixty days after the offender is released from 36116  
confinement in a state correctional facility. 36117

(C) The assistance provided to returning offenders under this 36118  
section shall not receive priority over community addiction 36119

services that are prioritized under section 340.15 of the Revised Code or the program for pregnant women with drug addictions developed under section 5119.17 of the Revised Code.

**Section 751.120. NURSING FACILITY BEHAVIORAL HEALTH ADVISORY WORKGROUP**

(A) There is hereby created the Nursing Facility Behavioral Health Advisory Workgroup. The Workgroup shall consist of all of the following members:

(1) The Executive Director of the Governor's Office of Health Transformation or the Executive Director's designee;

(2) The Director of Mental Health and Addiction Services or the Director's designee;

(3) The Director of Health or the Director's designee;

(4) The Medicaid Director or the Director's designee;

(5) The State Long-Term Care Ombudsman or the Ombudsman's designee;

(6) Two representatives from each of the following, appointed by the organization's chief executive officer or the individual serving in an equivalent capacity for the organization:

(a) Ohio Health Care Association;

(b) LeadingAge Ohio;

(c) NAMI Ohio;

(d) The Academy of Senior Health Sciences.

(7) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House of Representatives;

(8) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the Senate

President. 36148

(B) Members of the Workgroup shall be appointed not later 36149  
than fifteen days after the effective date of this section. 36150  
Vacancies shall be filled in the same manner as the original 36151  
appointments. Each member shall serve without compensation or 36152  
reimbursement for expenses incurred while serving on the 36153  
Workgroup, except to the extent that serving on the Workgroup is 36154  
considered to be among the member's employment duties. 36155

(C) The Executive Director of the Governor's Office of Health 36156  
Transformation or the Executive Director's designee shall serve as 36157  
chairperson of the Workgroup. The Department of Medicaid shall 36158  
provide staff and other support services for the Workgroup. 36159

(D) The Workgroup shall develop recommendations for a pilot 36160  
project to designate a total of not more than one thousand beds in 36161  
discrete units of nursing facilities to serve individuals with 36162  
behavioral health needs. The recommendations shall include both of 36163  
the following: 36164

(1) Standards for designating the discrete units; 36165

(2) Standards for enhanced Medicaid payments for services 36166  
provided in the discrete units. 36167

(E) Not later than December 31, 2014, the Workgroup shall 36168  
submit a report to the General Assembly in accordance with section 36169  
101.68 of the Revised Code. The report shall include the 36170  
Workgroup's findings and recommendations the pilot project 36171  
described in division (D) of this section. 36172

(F) The Workgroup shall cease to exist on submission of its 36173  
report. 36174

**Section 751.130.** (A) There is hereby created the Adult 36175  
Protective Services Funding Workgroup in the Department of Job and 36176  
Family Services. 36177

(B) The Workgroup shall consist of the following members:	36178
(1) The Director of Job and Family Services or the Director's designee;	36179 36180
(2) The Director of Budget and Management or the Director's designee;	36181 36182
(3) The Director of Health Transformation or the Director's designee;	36183 36184
(4) The Director of Aging or the Director's designee;	36185
(5) A representative of the Office of the Governor, appointed by the Governor;	36186 36187
(6) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House of Representatives;	36188 36189 36190
(7) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the President of the Senate;	36191 36192 36193
(8) One representative of the Ohio Job and Family Services Executive Directors' Association, appointed by the Governor;	36194 36195
(9) One representative of the County Commissioners Association of Ohio, appointed by the Governor;	36196 36197
(10) A representative of the AARP, appointed by the Governor;	36198
(11) Representatives of any other entities or organizations the Director of Job and Family Services determines are necessary, appointed by the Governor.	36199 36200 36201
(C) Members of the Workgroup shall be appointed not later than seven days after the effective date of this section.	36202 36203
(D) The Director of Job and Family Services shall serve as the chairperson of the Workgroup.	36204 36205
(E) The Workgroup shall do all of the following:	36206

(1) Investigate programmatic or financial gaps in the adult protective services system;	36207 36208
(2) Identify best practices currently employed at the county level as well as those that can be integrated into the system;	36209 36210
(3) Identify areas of overlap and linkages across all human services programs;	36211 36212
(4) Coordinate with the Children Services Funding Workgroup in the Department of Job and Family Services, if the Children Services Funding Workgroup is created in the Department.	36213 36214 36215
(F) Not later than 120 days after the effective date of this section, the Workgroup shall make recommendations to the Department of Job and Family Services about a distribution method for the \$10 million in appropriation item 911421 for possible submission to the Controlling Board.	36216 36217 36218 36219 36220
(G) The Workgroup ceases to exist one year after the effective date of this section.	36221 36222
<b>Section 751.140.</b> (A) There is hereby created the Children Services Funding Workgroup in the Department of Job and Family Services.	36223 36224 36225
(B) The Workgroup shall consist of the following members:	36226
(1) The Director of Job and Family Services or the Director's designee;	36227 36228
(2) The Director of Budget and Management or the Director's designee;	36229 36230
(3) The Director of Health Transformation or the Director's designee;	36231 36232
(4) A representative of the Office of the Governor, appointed by the Governor;	36233 36234
(5) Two members of the House of Representatives, one from the	36235

majority party and one from the minority party, appointed by the Speaker of the House of Representatives;	36236 36237
(6) Two members of the Senate, one from the majority party and one from the minority party, appointed by the President of the Senate;	36238 36239 36240
(7) One representative of the Public Children Services Association of Ohio, appointed by the Governor;	36241 36242
(8) One representative from the Ohio Department of Job and Family Services Executive Directors' Association, appointed by the Governor;	36243 36244 36245
(9) One representative from the County Commissioners Association of Ohio, appointed by the Governor;	36246 36247
(10) Representatives of any other entities or organizations the Director of the Department of Job and Family Services determines to be necessary, appointed by the Governor.	36248 36249 36250
(C) Members of the Workgroup shall be appointed not later than seven days after the effective date of this section.	36251 36252
(D) The Director of Job and Family Services shall serve as the chairperson of the Workgroup.	36253 36254
(E) The Workgroup shall do all of the following:	36255
(1) Investigate programmatic or financial gaps in the children services funding system;	36256 36257
(2) Identify best practices currently employed at the county level as well as those that can be integrated into the system;	36258 36259
(3) Identify areas of overlap and linkages across all human services programs;	36260 36261
(4) Coordinate with the Adult Protective Services Funding Workgroup in the Department of Job and Family Services, if an Adult Protective Services Funding Workgroup is created in the	36262 36263 36264

Department. 36265

(F) Not later than 120 days after the effective date of this 36266  
section, the Workgroup shall make recommendations to the Director 36267  
of Job and Family Services about a distribution method for the 36268  
\$6.8 million appropriated to appropriation item 911420, Children 36269  
Services, for possible submission to the Controlling Board. This 36270  
distribution method shall focus on targeted areas, including, but 36271  
not limited to, adoption, visitation, recurrence, and re-entry. 36272

(G) The Workgroup ceases to exist one year after the 36273  
effective date of this section. 36274

**Section 752.10. MORATORIUM ON STRS MITIGATING RATE** 36275

Notwithstanding division (D) of section 3305.06 and section 36276  
3305.061 of the Revised Code, the percentage of an electing 36277  
employee's compensation contributed to the State Teachers 36278  
Retirement System by a public institution of higher education 36279  
under division (D) of section 3305.06 of the Revised Code to 36280  
mitigate any financial impact of an alternative retirement program 36281  
on the retirement system shall not exceed four and one-half per 36282  
cent. The percentage shall be effective until July 1, 2015. 36283

**Section 752.20. ORSC STUDY OF ARP MITIGATING RATE** 36284

(A) The Ohio Retirement Study Council shall study the 36285  
applicability, operation, and efficacy of the percentage of an 36286  
electing employee's compensation contributed by a public 36287  
institution of higher education under division (D) of section 36288  
3305.06 of the Revised Code to mitigate any financial impact of an 36289  
alternative retirement program on the Public Employees Retirement 36290  
System, State Teachers Retirement System, and School Employees 36291  
Retirement System and make recommendations on any changes in 36292  
determining the appropriate mitigating rate. The study shall 36293  
research the historical impact of the mitigating rate and whether 36294

its purpose is being served. 36295

(B) Not later than December 31, 2014, the Council shall 36296  
prepare and submit to the Governor, the President of the Senate, 36297  
and the Speaker of the House of Representatives a report of its 36298  
findings and recommendations. 36299

**Section 757.20.** (A) As used in this section: 36300

(1) "Certificate owner" and "qualified rehabilitation 36301  
expenditures" have the same meanings as in section 149.311 of the 36302  
Revised Code. 36303

(2) "Taxpayer," "tax period," "excluded person," "combined 36304  
taxpayer," and "consolidated elected taxpayer," have the same 36305  
meanings as in section 5751.01 of the Revised Code. 36306

(3) "Pass-through entity" has the same meaning as in section 36307  
5733.04 of the Revised Code. 36308

(B) A taxpayer that is the certificate owner of a 36309  
rehabilitation tax credit certificate issued under section 149.311 36310  
of the Revised Code may claim a credit against the tax levied by 36311  
section 5751.02 of the Revised Code for tax periods ending on or 36312  
before June 30, 2015, provided that the taxpayer is unable to 36313  
claim the credit under section 5725.151, 5725.34, 5726.52, 36314  
5729.17, 5733.47, or 5747.76 of the Revised Code. 36315

The credit shall equal the lesser of twenty-five per cent of 36316  
the dollar amount of the qualified rehabilitation expenditures 36317  
indicated on the certificate or five million dollars. The credit 36318  
shall be claimed for the calendar year specified in the 36319  
certificate and after the credits authorized in divisions (A)(1) 36320  
to (4) of section 5751.98 of the Revised Code, but before the 36321  
credits authorized in divisions (A)(5) to (7) of that section. 36322

If the credit allowed for any calendar year exceeds the tax 36323  
otherwise due under section 5751.02 of the Revised Code, after 36324



allowing for any other credits preceding the credit in the order 36325  
prescribed by this section, the excess shall be refunded to the 36326  
taxpayer. However, if any amount of the credit is refunded, the 36327  
sum of the amount refunded and the amount applied to reduce the 36328  
tax otherwise due for that year shall not exceed three million 36329  
dollars. The taxpayer may carry forward any balance of the credit 36330  
in excess of the amount claimed for that year for not more than 36331  
five calendar years after the calendar year specified in the 36332  
certificate, and shall deduct any amount claimed in any such year 36333  
from the amount claimed in an ensuing year. 36334

A person that is an excluded person may file a return under 36335  
section 5751.051 of the Revised Code for the purpose of claiming 36336  
the credit authorized in this section. 36337

If the certificate owner is a pass-through entity, the credit 36338  
may not be allocated among the entity's owners in proportions or 36339  
amounts as the owners mutually agree unless either the owners are 36340  
part of the same combined or consolidated elected taxpayer as the 36341  
pass-through entity or the director of development services issued 36342  
the certificate in the name of the pass-through entity's owners in 36343  
the agreed-upon proportions or amounts. If the credit is allocated 36344  
among those owners, an owner may claim the credit authorized in 36345  
this section only if that owner is a corporation or an association 36346  
taxed as a corporation for federal income tax purposes and is not 36347  
a corporation that has made an election under Subchapter S of 36348  
Chapter 1 of Subtitle A of the Internal Revenue Code. 36349

The credit authorized in this section may be claimed only on 36350  
the basis of a rehabilitation tax credit certificate with an 36351  
effective date after December 31, 2013, but before June 30, 2015. 36352

A person claiming a credit under this section shall retain 36353  
the rehabilitation tax credit certificate for four years following 36354  
the end of the latest calendar year in which the credit was 36355  
applied, and shall make the certificate available for inspection 36356

by the tax commissioner upon request. 36357

**Section 757.40.** Notwithstanding division (D)(6) of section 36358  
149.311 of the Revised Code, the Director of Development Services 36359  
may issue a rehabilitation tax credit certificate under that 36360  
division during the biennium that includes fiscal years 2014 and 36361  
2015 only to the owner of a catalytic project that files with the 36362  
Director an application for the certificate after the effective 36363  
date of this act but before December 1, 2014, and that will incur 36364  
or pay qualified rehabilitation expenditures in excess of 36365  
seventy-five million dollars on the catalytic project. All terms 36366  
used in this section have the same meanings as in section 149.311 36367  
of the Revised Code. 36368

**Section 757.50.** The amendment by this act of section 5709.12 36369  
of the Revised Code applies to tax year 2014 and every tax year 36370  
thereafter. 36371

**Section 757.70.** The amendment by this act of section 5703.052 36372  
of the Revised Code applies to any refund that has not been fully 36373  
recovered before the effective date of this act. 36374

**Section 757.80.** (A) Notwithstanding division (A)(31) of 36375  
section 5747.01 of the Revised Code, for taxable years beginning 36376  
in 2014, deduct seventy-five per cent of the taxpayer's Ohio small 36377  
business investor income, the deduction not to exceed \$93,750 for 36378  
each spouse if spouses file separate returns under section 5747.08 36379  
of the Revised Code or \$187,500 for all other taxpayers. No 36380  
pass-through entity may claim a deduction under this section. 36381

This section does not apply to any taxable year beginning 36382  
before or after 2014. 36383

(B) For the purposes of section 5747.21, 5747.22, and 5748.01 36384  
of the Revised Code, the deduction allowed under this section is a 36385

deduction under division (A)(31) of section 5747.01 of the Revised Code. 36386  
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(C) For the purposes of this section, "Ohio small business investor income" has the same meaning as in division (A)(31) of section 5747.01 of the Revised Code. 36388  
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**Section 806.10.** The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this and their applications that can be given effect without the invalid item of law or application. 36391  
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**Section 812.20.** The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date. 36397  
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Sections 501.10, 512.10, 512.20, 512.30, 512.40, 610.20, 610.21, 640.10, 640.11, 751.40, 751.120, 751.140, and 812.20 of this act. 36403  
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**Section 812.30.** Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State, or if a later effective date is specified below, on that date. 36406  
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**Section 812.40.** (A) The following take effect two years after the effective date of this act: 36412  
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(1) The amendments by this act to sections 340.01, 340.03, 340.08, 340.09, 340.15, 5119.21, 5119.22, and 5119.23 of the Revised Code;

(2) The enactment by this act of sections 340.092, 340.093, 340.20, 5119.362, 5119.363, and 5119.364 of the Revised Code.

(B) The amendments by this act to division (A) of section 5119.25 of the Revised Code take effect two years after the effective date of this section. The amendments by this act to division (C) of that section take effect at the earliest time permitted by law.

**Section 812.50.** Sections 4715.14, 4723.486, 4725.16, 4729.12, 4730.48, and 4731.281 of the Revised Code, as amended by this act, and section 4729.861, as enacted by this act, shall take effect January 1, 2015.

**Section 812.60.** Sections 4715.30, 4715.302, 4723.28, 4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 4731.055, and 4731.22 of the Revised Code, as amended by this act, shall take effect April 1, 2015.

**Section 812.70.** The amendment by this act of section 5739.05 of the Revised Code takes effect on November 3, 2014.

**Section 815.10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 133.07 of the Revised Code is presented in this act

as a composite of the section as amended by both Am. Sub. H.B. 699	36443
and Sub. S.B. 126 of the 126th General Assembly.	36444
Section 4503.102 of the Revised Code as amended by both H.B.	36445
13 and Am. Sub. H.B. 119 of the 127th General Assembly.	36446
Section 4715.14 of the Revised Code as amended by both Sub.	36447
H.B. 190 and Sub. H.B. 215 of the 128th General Assembly.	36448
Section 4723.487 of the Revised Code as amended by both Sub.	36449
H.B. 303 and Sub. S.B. 301 of the 129th General Assembly.	36450
Section 4725.16 of the Revised Code as amended by both Am.	36451
Sub. H.B. 59 and Am. Sub. H.B. 98 of the 130th General Assembly.	36452
Section 4503.102 of the Revised Code as amended by both H.B.	36453
13 and Am. Sub. H.B. 119 of the 127th General Assembly.	36454