

As Reported by the Committee of Conference

130th General Assembly

Regular Session

2013-2014

Am. Sub. H. B. No. 483

Representative Amstutz

Cosponsors: Representatives Sprague, McGregor, Grossman, Hackett,

McClain, Sears, Stebelton, Wachtmann Speaker Batchelder

Senators Bacon, Burke, Coley, Faber, Oelslager, Peterson

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A B I L L

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purpose of codifying and changing the number of	53
Section 323.280 of Am. Sub. H.B. 59 of the 130th	54

General Assembly to section 5165.157 of the 55
Revised Code; to enact sections 5.077, 9.54, 56
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to repeal sections 121.92, 3125.191, 3702.93, 68
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of the Revised Code; to amend Sections 207.10, 70
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H.B. 59 of the 130th General Assembly; to amend 78
Sections 207.100, 207.250, 207.340, 207.440, 79
221.10, 223.10, 223.30, 223.40, 239.10, 253.330, 80
269.10, 509.80, and 701.50 of Am. H.B. 497 of the 81
130th General Assembly; to amend Section 9 of Am. 82
Sub. S.B. 206 of the 130th General Assembly; and 83
to repeal Section 747.40 of Am. Sub. H.B. 59 of 84
the 130th General Assembly to make operating and 85
other appropriations and to provide authorization 86
and conditions for the operation of state 87

programs.

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, 103.41, 103.63, 109.572, 109.5721, 118.27, 121.084, 122.12, 90
122.121, 122.861, 124.05, 124.32, 125.13, 125.18, 125.182, 126.21, 91
126.25, 133.06, 133.07, 149.311, 149.38, 153.56, 156.03, 163.15, 92
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4905.911, 4906.20, 4906.201, 4923.02, 5104.03, 5104.34, 5104.341, 115
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5709.12, 5709.17, 5709.40, 5713.012, 5727.111, 5739.05, 5739.09, 125
5747.02, 5747.025, and 5747.71 be amended; Section 323.280 of Am. 126
Sub. H.B. 59 of the 130th General Assembly be amended and codified 127
as section 5165.157 of the Revised Code; and sections 5.077, 9.54, 128
9.911, 164.261, 173.381, 175.053, 193.01, 193.03, 193.05, 193.07, 129
193.09, 306.14, 307.678, 307.6910, 307.863, 340.033, 340.034, 130
340.20, 341.121, 2929.201, 3123.90, 3302.15, 3313.351, 3313.902, 131
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5119.363, 5119.364, 5119.365, 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. 5.077. The museum located on the grounds of the Ohio 139
state reformatory, operated by the Mansfield reformatory 140
preservation society, is the official state penal museum. 141

Sec. 7.10. For the publication of advertisements, notices, 142
and proclamations, except those relating to proposed amendments to 143
the Ohio Constitution, required to be published by a public 144
officer of the state, a benevolent or other public institution, a 145
trustee, assignee, executor, or administrator, or by or in any 146
court of record, except when the rate is otherwise fixed by law, 147

publishers of newspapers may charge and receive for such 148
advertisements, notices, and proclamations rates charged on annual 149
contracts by them for a like amount of space to other advertisers 150
who advertise in its general display advertising columns. 151

For the publication of advertisements, notices, or 152
proclamations required to be published by a public officer of a 153
county, municipal corporation, township, school, or other 154
political subdivision, publishers of newspapers shall establish a 155
government rate, ~~which shall include free publication of~~ 156
~~advertisements, notices, or proclamations on the newspaper's~~ 157
~~internet web site, if the newspaper has one.~~ The government rate 158
shall not exceed the lowest classified advertising rate and lowest 159
insert rate paid by other advertisers. 160

Legal advertising appearing in print, except that relating to 161
proposed amendments to the Ohio Constitution, shall be set up in a 162
compact form, without unnecessary spaces, blanks, or headlines, 163
and printed in not smaller than six-point type. The type used must 164
be of such proportions that the body of the capital letter M is no 165
wider than it is high and all other letters and characters are in 166
proportion. 167

Except as provided in section 2701.09 of the Revised Code, 168
all legal advertisements ~~or~~, notices, and proclamations shall be 169
printed in a newspaper of general circulation and shall be posted 170
by the publisher of the newspaper on the newspaper's internet web 171
site, if the newspaper has one. A publisher of a newspaper shall 172
not charge for posting legal advertisements, notices, and 173
proclamations that are required by law to be published in a 174
newspaper of general circulation on the newspaper's internet web 175
site. 176

Sec. 7.16. (A) As used in this section: 177

(1) "State agency" means any organized body, office, agency, 178

institution, or other entity established by the laws of the state 179
for the exercise of any function of state government, including 180
state institutions of higher education, as defined in section 181
3345.011 of the Revised Code. 182

(2) "Political subdivision" has the meaning defined in 183
section 2744.01 of the Revised Code. 184

(B) If a section of the Revised Code or an administrative 185
rule requires a state agency or a political subdivision to publish 186
a notice or advertisement two or more times in a newspaper of 187
general circulation and the section or administrative rule refers 188
to this section, the first publication of the notice or 189
advertisement shall be made in its entirety in a newspaper of 190
general circulation and may be made in a preprinted insert in the 191
newspaper, but the second publication otherwise required by that 192
section or administrative rule may be made in abbreviated form in 193
a newspaper of general circulation in the state or in the 194
political subdivision, as designated in that section or 195
administrative rule, and on the newspaper's internet web site, if 196
the newspaper has one. The state agency or political subdivision 197
may eliminate any further newspaper publications required by that 198
section or administrative rule, provided that the second, 199
abbreviated notice or advertisement meets all of the following 200
requirements: 201

(1) It is published in the newspaper of general circulation 202
in which the first publication of the notice or advertisement was 203
made ~~and is published on that newspaper's internet web site, if~~ 204
~~the newspaper has one.~~ 205

(2) It is ~~published~~ posted by the publisher of the newspaper 206
on the ~~state~~ official public notice web site established under 207
section 125.182 of the Revised Code. The publisher shall post the 208
required notice or advertisement on the web site at no additional 209
cost. 210

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

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

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

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

Sec. 9.37. (A) As used in this section, "public official" means any elected or appointed officer, employee, or agent of the state, any state institution of higher education, any political subdivision, board, commission, bureau, or other public body established by law. "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state

community college, university branch, or technical college. 242

(B) Except as provided in divisions (F) and (G) of this 243
section, any public official may make by direct deposit of funds 244
by electronic transfer, if the payee provides a written 245
authorization designating a financial institution and an account 246
number to which the payment is to be credited, any payment such 247
public official is permitted or required by law in the performance 248
of official duties to make by issuing a check or warrant. 249

(C) Such public official may contract with a financial 250
institution for the services necessary to make direct deposits and 251
draw lump-sum checks or warrants payable to that institution in 252
the amount of the payments to be transferred. 253

(D) Before making any direct deposit as authorized under this 254
section, the public official shall ascertain that the account from 255
which the payment is to be made contains sufficient funds to cover 256
the amount of the payment. 257

(E) If the issuance of checks and warrants by a public 258
official requires authorization by a governing board, commission, 259
bureau, or other public body having jurisdiction over the public 260
official, the public official may only make direct deposits and 261
contracts under this section pursuant to a resolution of 262
authorization duly adopted by such governing board, commission, 263
bureau, or other public body. 264

(F) Pursuant to sections 307.55, 319.16, and 321.15 of the 265
Revised Code, a county auditor may issue, and a county treasurer 266
may redeem, electronic warrants authorizing direct deposit for 267
payment of county obligations in accordance with rules adopted by 268
the director of budget and management pursuant to Chapter 119. of 269
the Revised Code. 270

(G) The legislative authority of a municipal corporation, for 271
~~employees~~ public officials of the municipal corporation, a county 272

auditor, for county ~~employees~~ public officials, or a board of 273
township trustees, for township ~~employees~~ public officials, may 274
adopt a direct deposit payroll policy under which all ~~employees~~ 275
public officials of the municipal corporation, all county 276
~~employees~~ public officials, or all township ~~employees~~ public 277
officials, as the case may be, provide a written authorization 278
designating a financial institution and an account number to which 279
payment of the ~~employee's~~ public official's compensation shall be 280
credited under the municipal corporation's, county's, or 281
township's direct deposit payroll policy. The direct deposit 282
payroll policy adopted by the legislative authority of a municipal 283
corporation, a county auditor, or a board of township trustees may 284
exempt from the direct deposit requirement those municipal, 285
county, or township ~~employees~~ public officials who cannot provide 286
an account number, or for other reasons specified in the policy. 287
The written authorization is not a public record under section 288
149.43 of the Revised Code. 289

Sec. 9.482. (A) As used in this section, ~~"political:~~ 290

(1) "Political subdivision" has the meaning defined in 291
section 2744.01 of the Revised Code. 292

(2) "State agency" means any organized body, office, agency, 293
institution, or other entity established by the laws of the state 294
for the exercise of any function of state government. The term 295
includes a state institution of higher education as defined in 296
section 3345.011 of the Revised Code. 297

(B)(1) When legally authorized ~~by their respective~~ 298
~~legislative authorities to do so~~, a political subdivision may 299
enter into an agreement with another political subdivision or a 300
state agency whereby a the contracting political subdivision or 301
state agency agrees to exercise any power, perform any function, 302
or render any service for ~~another~~ the contracting recipient 303

political subdivision that the contracting recipient political 304
subdivision is otherwise legally authorized to exercise, perform, 305
or render. 306

~~In~~ (2) When legally authorized to do so, a state agency may 307
enter into an agreement with a political subdivision whereby the 308
contracting political subdivision agrees to exercise any power, 309
perform any function, or render any service for the contracting 310
recipient state agency that the contracting recipient state agency 311
is otherwise legally authorized to exercise, perform, or render. 312

(C) In the absence in the agreement of provisions determining 313
by what officer, office, department, agency, or other authority 314
the powers and duties of a contracting political subdivision shall 315
be exercised or performed, the legislative authority of the 316
contracting political subdivision shall determine and assign the 317
powers and duties. 318

An agreement shall not suspend the possession by a 319
contracting recipient political subdivision or state agency of any 320
power or function that is exercised or performed on its behalf by 321
~~another~~ the other contracting political subdivision or the 322
contracting state agency under the agreement. 323

A political subdivision shall not enter into an agreement to 324
levy any tax or to exercise, with regard to public moneys, any 325
investment powers, perform any investment function, or render any 326
investment service on behalf of a contracting subdivision. Nothing 327
in this paragraph prohibits a political subdivision from entering 328
into an agreement to collect, administer, or enforce any tax on 329
behalf of another political subdivision or to limit the authority 330
of political subdivisions to create and operate joint economic 331
development zones or joint economic development districts as 332
provided in sections 715.69 to 715.83 of the Revised Code. 333

~~(C)~~(D) No county elected officer may be required to exercise 334

any power, perform any function, or render any service under an 335
agreement entered into under this section without the written 336
consent of the county elected officer. No county may enter into an 337
agreement under this section for the exercise, performance, or 338
rendering of any statutory powers, functions, or services of any 339
county elected officer without the written consent of the county 340
elected officer. 341

~~(D)~~(E) No power shall be exercised, no function shall be 342
performed, and no service shall be rendered by a contracting 343
political subdivision or state agency pursuant to an agreement 344
entered into under this section within a political subdivision 345
that is not a party to the agreement, without first obtaining the 346
written consent of the political subdivision that is not a party 347
to the agreement and within which the power is to be exercised, a 348
function is to be performed, or a service is to be rendered. 349

~~(E)~~(F) Chapter 2744. of the Revised Code, insofar as it 350
applies to the operation of a political subdivision, applies to 351
the political subdivisions that are parties to an agreement and to 352
their employees when they are rendering a service outside the 353
boundaries of their employing political subdivision under the 354
agreement. Employees acting outside the boundaries of their 355
employing political subdivision while providing a service under an 356
agreement may participate in any pension or indemnity fund 357
established by the political subdivision to the same extent as 358
while they are acting within the boundaries of the political 359
subdivision, and are entitled to all the rights and benefits of 360
Chapter 4123. of the Revised Code to the same extent as while they 361
are performing a service within the boundaries of the political 362
subdivision. 363

Sec. 9.54. Whoever erects or replaces a sign containing the 364
international symbol of access shall use forms of the word 365

"accessible" rather than forms of the words "handicapped" or 366
"disabled" whenever words are included on the sign. 367

Sec. 9.90. (A) The board of trustees or other governing body 368
of a state institution of higher education, as defined in section 369
3345.011 of the Revised Code, board of education of a school 370
district, or governing board of an educational service center may, 371
in addition to all other powers provided in the Revised Code: 372

(1) Contract for, purchase, or otherwise procure from an 373
insurer or insurers licensed to do business by the state of Ohio 374
for or on behalf of such of its employees as it may determine, 375
life insurance, or sickness, accident, annuity, endowment, health, 376
medical, hospital, dental, or surgical coverage and benefits, or 377
any combination thereof, by means of insurance plans or other 378
types of coverage, family, group or otherwise, and may pay from 379
funds under its control and available for such purpose all or any 380
portion of the cost, premium, or charge for such insurance, 381
coverage, or benefits. However, the governing board, in addition 382
to or as an alternative to the authority otherwise granted by 383
division (A)(1) of this section, may elect to procure coverage for 384
health care services, for or on behalf of such of its employees as 385
it may determine, by means of policies, contracts, certificates, 386
or agreements issued by at least two health insuring corporations 387
holding a certificate of authority under Chapter 1751. of the 388
Revised Code and may pay from funds under the governing board's 389
control and available for such purpose all or any portion of the 390
cost of such coverage. 391

(2) Make payments to a custodial account for investment in 392
regulated investment company stock ~~for the purpose of providing~~ 393
~~retirement benefits as described in section 403(b)(7) of the that~~ 394
is treated as an annuity under Internal Revenue Code ~~of 1954, as~~ 395
~~amended. Such stock shall be purchased only from persons~~ 396

~~authorized to sell such stock in this state~~ section 403(b). 397

Any income of an employee deferred under divisions (A)(1) and 398
(2) of this section in a deferred compensation program eligible 399
for favorable tax treatment under the Internal Revenue Code ~~of~~ 400
~~1954, as amended,~~ shall continue to be included as regular 401
compensation for the purpose of computing the contributions to and 402
benefits from the retirement system of such employee. Any sum so 403
deferred shall not be included in the computation of any federal 404
and state income taxes withheld on behalf of any such employee. 405

(B) All or any portion of the cost, premium, or charge 406
therefor may be paid in such other manner or combination of 407
manners as the board or governing body may determine, including 408
direct payment by the employee in cases under division (A)(1) of 409
this section, and, if authorized in writing by the employee in 410
cases under division (A)(1) or (2) of this section, by the board 411
or governing body with moneys made available by deduction from or 412
reduction in salary or wages or by the foregoing of a salary or 413
wage increase. Nothing in section 3917.01 or section 3917.06 of 414
the Revised Code shall prohibit the issuance or purchase of group 415
life insurance authorized by this section by reason of payment of 416
premiums therefor by the board or governing body from its funds, 417
and such group life insurance may be so issued and purchased if 418
otherwise consistent with the provisions of sections 3917.01 to 419
3917.07 of the Revised Code. 420

(C) The board of education of any school district may 421
exercise any of the powers granted to the governing boards of 422
public institutions of higher education under divisions (A) and 423
(B) of this section. All health care benefits provided to persons 424
employed by the public schools of this state shall be through 425
health care plans that contain best practices established by the 426
department of administrative services pursuant to section 9.901 of 427
the Revised Code. 428

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

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

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

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

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

(2) The institution, in its sole and absolute discretion, shall arrange for the procurement of the annuity contract or custodial account by doing one of the following:

(a) Selecting a minimum of four providers of annuity 459
contracts or custodial accounts through a selection process 460
determined by the institution in its sole and absolute discretion, 461
except that if fewer than four providers are available the 462
institution shall select the number of providers available. 463

(b) Subject to division (D) of this section, allowing each 464
eligible employee to designate a licensed agent, broker, or 465
company as a provider. 466

(B) Division (A)(2)(a) of this section does not require a 467
public institution of higher education to select a provider if 468
either of the following is the case: 469

(1) The provider is not willing to provide an annuity 470
contract or custodial account at that public institution. 471

(2) The provider is not willing to agree to the terms and 472
conditions of the agreement described in division (E) of this 473
section. 474

(C) Designation as a provider under section 9.90 of the 475
Revised Code prior to the effective date of this section does not 476
give a licensed agent, broker, or company a right to be selected 477
as a provider under this section, but subject to division (D) of 478
this section, such a licensed agent, broker, or company shall 479
remain a provider until another provider is selected under 480
division (A)(2) of this section. 481

(D) If an employee designates a provider under division 482
(A)(2)(b) of this section, the employing institution shall comply 483
with the designation but may require either or both of the 484
following: 485

(1) That the provider enter into an agreement with the 486
institution that does either or both of the following: 487

(a) Prohibits the provider from transferring funds to a third 488

party without the express consent of the institution or its 489
authorized representative; 490

(b) Includes such other terms and conditions as are 491
established by the institution in its sole discretion. 492

(2) That the provider be designated by a number of employees 493
equal to at least one per cent of the institution's eligible 494
employees or at least five employees, whichever is greater, except 495
that the institution may not require that the provider be 496
designated by more than fifty employees. 497

(E) An institution may require a provider selected under 498
division (A)(2)(a) of this section to enter into an agreement with 499
the institution that does either or both of the following: 500

(1) Prohibits the provider from transferring funds to a third 501
party without the express consent of the institution or its 502
authorized representative; 503

(2) Includes such other terms and conditions as are 504
established by the institution in its sole discretion. 505

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 506
Revised Code: 507

(1) "JMOC" means the joint medicaid oversight committee 508
created under this section. 509

(2) "State and local government medicaid agency" means all of 510
the following: 511

(a) The department of medicaid; 512

(b) The office of health transformation; 513

(c) Each state agency and political subdivision with which 514
the department of medicaid contracts under section 5162.35 of the 515
Revised Code to have the state agency or political subdivision 516
administer one or more components of the medicaid program, or one 517

or more aspects of a component, under the department's supervision; 518
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(d) Each agency of a political subdivision that is responsible for administering one or more components of the medicaid program, or one or more aspects of a component, under the supervision of the department or a state agency or political subdivision described in division (A)(2)(c) of this section. 520
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(B) There is hereby created the joint medicaid oversight committee. JMOC shall consist of the following members: 525
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(1) Five members of the senate appointed by the president of the senate, three of whom are members of the majority party and two of whom are members of the minority party; 527
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(2) Five members of the house of representatives appointed by the speaker of the house of representatives, three of whom are members of the majority party and two of whom are members of the minority party. 530
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(C) The term of each JMOC member shall begin on the day of appointment to JMOC and end on the last day that the member serves in the house (in the case of a member appointed by the speaker) or senate (in the case of a member appointed by the president) during the general assembly for which the member is appointed to JMOC. The president and speaker shall make the initial appointments not later than fifteen days after ~~the effective date of this section~~ March 20, 2014. However, if this section takes effect before January 1, 2014, the president and speaker shall make the initial appointments during the period beginning January 1, 2014, and ending January 15, 2014. The president and speaker shall make subsequent appointments not later than fifteen days after the commencement of the first regular session of each general assembly. JMOC members may be reappointed. A vacancy on JMOC shall be filled in the same manner as the original appointment. 534
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(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson and the president shall designate one of the minority members from the senate as the JMOC ranking minority member. In even-numbered years, the president shall designate one of the majority members from the senate as the JMOC chairperson and the speaker shall designate one of the minority members from the house as the JMOC ranking minority member.

(E) In appointing members from the minority, and in designating ranking minority members, the president and speaker shall consult with the minority leader of their respective houses.

(F) JMOC shall meet at the call of the JMOC chairperson. The chairperson shall call JMOC to meet not less often than once each calendar month, unless the chairperson and ranking minority member agree that the chairperson should not call JMOC to meet for a particular month.

(G) Notwithstanding section 101.26 of the Revised Code, the members, when engaged in their duties as members of JMOC on days when there is not a voting session of the member's house of the general assembly, shall be paid at the per diem rate of one hundred fifty dollars, and their necessary traveling expenses, which shall be paid from the funds appropriated for the payment of expenses of legislative committees.

(H) JMOC may employ professional, technical, and clerical employees as are necessary for JMOC to be able successfully and efficiently to perform its duties. All such employees are in the unclassified service and serve at JMOC's pleasure. JMOC may contract for the services of persons who are qualified by education and experience to advise, consult with, or otherwise assist JMOC in the performance of its duties.

~~(H)~~(I) The JMOC chairperson, when authorized by JMOC and the

president and speaker, may issue subpoenas and subpoenas duces
tecum in aid of JMOC's performance of its duties. A subpoena may
require a witness in any part of the state to appear before JMOC
at a time and place designated in the subpoena to testify. A
subpoena duces tecum may require witnesses or other persons in any
part of the state to produce books, papers, records, and other
tangible evidence before JMOC at a time and place designated in
the subpoena duces tecum. A subpoena or subpoena duces tecum shall
be issued, served, and returned, and has consequences, as
specified in sections 101.41 to 101.45 of the Revised Code.

~~(I)~~(J) The JMOC chairperson may administer oaths to witnesses
appearing before JMOC.

Sec. 103.63. There is established an Ohio constitutional
modernization commission consisting of thirty-two members. Twelve
members shall be appointed from the general assembly as follows:
three by the president of the senate, three by the minority leader
of the senate, three by the speaker of the house of
representatives, and three by the minority leader of the house of
representatives. ~~Not later than~~ On or before the tenth day of
January 1, 2012, and every two years thereafter even-numbered
year, the twelve general assembly members shall meet, organize,
and elect two co-chairpersons, who shall be from different
political parties. Beginning in 2014, the twelve general assembly
members shall elect one co-chairperson from each house of the
general assembly. The members shall then, by majority vote,
appoint twenty commission members, not from the general assembly.
All appointments shall end on the first day of January of every
even-numbered year, or as soon thereafter as successors are
appointed, and the commission shall then be re-created in the
manner provided above. Members may be reappointed. Vacancies on
the commission shall be filled in the manner provided for original
appointments.

The members of the commission shall serve without 612
compensation, but each member shall be reimbursed for actual and 613
necessary expenses incurred while engaging in the performance of 614
the member's official duties. Membership on the commission does 615
not constitute holding another public office. The joint 616
legislative ethics committee is the appropriate ethics commission 617
as described in division (F) of section 102.01 of the Revised Code 618
for matters relating to the public members appointed to the Ohio 619
constitutional modernization commission. 620

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 621
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 622
a completed form prescribed pursuant to division (C)(1) of this 623
section, and a set of fingerprint impressions obtained in the 624
manner described in division (C)(2) of this section, the 625
superintendent of the bureau of criminal identification and 626
investigation shall conduct a criminal records check in the manner 627
described in division (B) of this section to determine whether any 628
information exists that indicates that the person who is the 629
subject of the request previously has been convicted of or pleaded 630
guilty to any of the following: 631

(a) A violation of section 2903.01, 2903.02, 2903.03, 632
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 633
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 634
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 635
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 636
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 637
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 638
2925.06, or 3716.11 of the Revised Code, felonious sexual 639
penetration in violation of former section 2907.12 of the Revised 640
Code, a violation of section 2905.04 of the Revised Code as it 641
existed prior to July 1, 1996, a violation of section 2919.23 of 642
the Revised Code that would have been a violation of section 643

2905.04 of the Revised Code as it existed prior to July 1, 1996, 644
had the violation been committed prior to that date, or a 645
violation of section 2925.11 of the Revised Code that is not a 646
minor drug possession offense; 647

(b) A violation of an existing or former law of this state, 648
any other state, or the United States that is substantially 649
equivalent to any of the offenses listed in division (A)(1)(a) of 650
this section; 651

(c) If the request is made pursuant to section 3319.39 of the 652
Revised Code for an applicant who is a teacher, any offense 653
specified in section 3319.31 of the Revised Code. 654

(2) On receipt of a request pursuant to section 3712.09 or 655
3721.121 of the Revised Code, a completed form prescribed pursuant 656
to division (C)(1) of this section, and a set of fingerprint 657
impressions obtained in the manner described in division (C)(2) of 658
this section, the superintendent of the bureau of criminal 659
identification and investigation shall conduct a criminal records 660
check with respect to any person who has applied for employment in 661
a position for which a criminal records check is required by those 662
sections. The superintendent shall conduct the criminal records 663
check in the manner described in division (B) of this section to 664
determine whether any information exists that indicates that the 665
person who is the subject of the request previously has been 666
convicted of or pleaded guilty to any of the following: 667

(a) A violation of section 2903.01, 2903.02, 2903.03, 668
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 669
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 670
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 671
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 672
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 673
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 674
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 675

2925.22, 2925.23, or 3716.11 of the Revised Code; 676

(b) An existing or former law of this state, any other state, 677
or the United States that is substantially equivalent to any of 678
the offenses listed in division (A)(2)(a) of this section. 679

(3) On receipt of a request pursuant to section 173.27, 680
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 681
or 5123.169 of the Revised Code, a completed form prescribed 682
pursuant to division (C)(1) of this section, and a set of 683
fingerprint impressions obtained in the manner described in 684
division (C)(2) of this section, the superintendent of the bureau 685
of criminal identification and investigation shall conduct a 686
criminal records check of the person for whom the request is made. 687
The superintendent shall conduct the criminal records check in the 688
manner described in division (B) of this section to determine 689
whether any information exists that indicates that the person who 690
is the subject of the request previously has been convicted of, 691
has pleaded guilty to, or (except in the case of a request 692
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 693
Code) has been found eligible for intervention in lieu of 694
conviction for any of the following, regardless of the date of the 695
conviction, the date of entry of the guilty plea, or (except in 696
the case of a request pursuant to section 5164.34, 5164.341, or 697
5164.342 of the Revised Code) the date the person was found 698
eligible for intervention in lieu of conviction: 699

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 700
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 701
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 702
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 703
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 704
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 705
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 706
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 707

2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 708
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 709
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 710
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 711
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 712
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 713
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 714
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 715
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 716
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 717
2927.12, or 3716.11 of the Revised Code; 718

(b) Felonious sexual penetration in violation of former 719
section 2907.12 of the Revised Code; 720

(c) A violation of section 2905.04 of the Revised Code as it 721
existed prior to July 1, 1996; 722

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 723
the Revised Code when the underlying offense that is the object of 724
the conspiracy, attempt, or complicity is one of the offenses 725
listed in divisions (A)(3)(a) to (c) of this section; 726

(e) A violation of an existing or former municipal ordinance 727
or law of this state, any other state, or the United States that 728
is substantially equivalent to any of the offenses listed in 729
divisions (A)(3)(a) to (d) of this section. 730

(4) On receipt of a request pursuant to section 2151.86 of 731
the Revised Code, a completed form prescribed pursuant to division 732
(C)(1) of this section, and a set of fingerprint impressions 733
obtained in the manner described in division (C)(2) of this 734
section, the superintendent of the bureau of criminal 735
identification and investigation shall conduct a criminal records 736
check in the manner described in division (B) of this section to 737
determine whether any information exists that indicates that the 738

person who is the subject of the request previously has been 739
convicted of or pleaded guilty to any of the following: 740

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 741
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 742
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 743
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 744
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 745
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 746
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 747
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 748
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 749
of the Revised Code, a violation of section 2905.04 of the Revised 750
Code as it existed prior to July 1, 1996, a violation of section 751
2919.23 of the Revised Code that would have been a violation of 752
section 2905.04 of the Revised Code as it existed prior to July 1, 753
1996, had the violation been committed prior to that date, a 754
violation of section 2925.11 of the Revised Code that is not a 755
minor drug possession offense, two or more OVI or OVUAC violations 756
committed within the three years immediately preceding the 757
submission of the application or petition that is the basis of the 758
request, or felonious sexual penetration in violation of former 759
section 2907.12 of the Revised Code; 760

(b) A violation of an existing or former law of this state, 761
any other state, or the United States that is substantially 762
equivalent to any of the offenses listed in division (A)(4)(a) of 763
this section. 764

(5) Upon receipt of a request pursuant to section 5104.012 or 765
5104.013 of the Revised Code, a completed form prescribed pursuant 766
to division (C)(1) of this section, and a set of fingerprint 767
impressions obtained in the manner described in division (C)(2) of 768
this section, the superintendent of the bureau of criminal 769
identification and investigation shall conduct a criminal records 770

check in the manner described in division (B) of this section to 771
determine whether any information exists that indicates that the 772
person who is the subject of the request has been convicted of or 773
pleaded guilty to any of the following: 774

(a) A violation of section 2903.01, 2903.02, 2903.03, 775
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 776
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 777
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 778
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 779
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 780
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 781
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 782
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 783
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 784
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 785
3716.11 of the Revised Code, felonious sexual penetration in 786
violation of former section 2907.12 of the Revised Code, a 787
violation of section 2905.04 of the Revised Code as it existed 788
prior to July 1, 1996, a violation of section 2919.23 of the 789
Revised Code that would have been a violation of section 2905.04 790
of the Revised Code as it existed prior to July 1, 1996, had the 791
violation been committed prior to that date, a violation of 792
section 2925.11 of the Revised Code that is not a minor drug 793
possession offense, a violation of section 2923.02 or 2923.03 of 794
the Revised Code that relates to a crime specified in this 795
division, or a second violation of section 4511.19 of the Revised 796
Code within five years of the date of application for licensure or 797
certification. 798

(b) A violation of an existing or former law of this state, 799
any other state, or the United States that is substantially 800
equivalent to any of the offenses or violations described in 801
division (A)(5)(a) of this section. 802

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the

Revised Code, accompanied by a completed copy of the form 835
prescribed in division (C)(1) of this section and a set of 836
fingerprint impressions obtained in a manner described in division 837
(C)(2) of this section, the superintendent of the bureau of 838
criminal identification and investigation shall conduct a criminal 839
records check in the manner described in division (B) of this 840
section to determine whether any information exists indicating 841
that the person who is the subject of the request has been 842
convicted of or pleaded guilty to a felony in this state or in any 843
other state. If the individual indicates that a firearm will be 844
carried in the course of business, the superintendent shall 845
require information from the federal bureau of investigation as 846
described in division (B)(2) of this section. Subject to division 847
(F) of this section, the superintendent shall report the findings 848
of the criminal records check and any information the federal 849
bureau of investigation provides to the director of public safety. 850

(8) On receipt of a request pursuant to section 1321.37, 851
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 852
Code, a completed form prescribed pursuant to division (C)(1) of 853
this section, and a set of fingerprint impressions obtained in the 854
manner described in division (C)(2) of this section, the 855
superintendent of the bureau of criminal identification and 856
investigation shall conduct a criminal records check with respect 857
to any person who has applied for a license, permit, or 858
certification from the department of commerce or a division in the 859
department. The superintendent shall conduct the criminal records 860
check in the manner described in division (B) of this section to 861
determine whether any information exists that indicates that the 862
person who is the subject of the request previously has been 863
convicted of or pleaded guilty to any of the following: a 864
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 865
2925.03 of the Revised Code; any other criminal offense involving 866
theft, receiving stolen property, embezzlement, forgery, fraud, 867

passing bad checks, money laundering, or drug trafficking, or any 868
criminal offense involving money or securities, as set forth in 869
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 870
the Revised Code; or any existing or former law of this state, any 871
other state, or the United States that is substantially equivalent 872
to those offenses. 873

(9) On receipt of a request for a criminal records check from 874
the treasurer of state under section 113.041 of the Revised Code 875
or from an individual under section 4701.08, 4715.101, 4717.061, 876
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 877
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 878
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 879
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 880
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 881
accompanied by a completed form prescribed under division (C)(1) 882
of this section and a set of fingerprint impressions obtained in 883
the manner described in division (C)(2) of this section, the 884
superintendent of the bureau of criminal identification and 885
investigation shall conduct a criminal records check in the manner 886
described in division (B) of this section to determine whether any 887
information exists that indicates that the person who is the 888
subject of the request has been convicted of or pleaded guilty to 889
any criminal offense in this state or any other state. Subject to 890
division (F) of this section, the superintendent shall send the 891
results of a check requested under section 113.041 of the Revised 892
Code to the treasurer of state and shall send the results of a 893
check requested under any of the other listed sections to the 894
licensing board specified by the individual in the request. 895

(10) On receipt of a request pursuant to section 1121.23, 896
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 897
Code, a completed form prescribed pursuant to division (C)(1) of 898
this section, and a set of fingerprint impressions obtained in the 899

manner described in division (C)(2) of this section, the 900
superintendent of the bureau of criminal identification and 901
investigation shall conduct a criminal records check in the manner 902
described in division (B) of this section to determine whether any 903
information exists that indicates that the person who is the 904
subject of the request previously has been convicted of or pleaded 905
guilty to any criminal offense under any existing or former law of 906
this state, any other state, or the United States. 907

(11) On receipt of a request for a criminal records check 908
from an appointing or licensing authority under section 3772.07 of 909
the Revised Code, a completed form prescribed under division 910
(C)(1) of this section, and a set of fingerprint impressions 911
obtained in the manner prescribed in division (C)(2) of this 912
section, the superintendent of the bureau of criminal 913
identification and investigation shall conduct a criminal records 914
check in the manner described in division (B) of this section to 915
determine whether any information exists that indicates that the 916
person who is the subject of the request previously has been 917
convicted of or pleaded guilty or no contest to any offense under 918
any existing or former law of this state, any other state, or the 919
United States that is a disqualifying offense as defined in 920
section 3772.07 of the Revised Code or substantially equivalent to 921
such an offense. 922

(12) On receipt of a request pursuant to section 2151.33 or 923
2151.412 of the Revised Code, a completed form prescribed pursuant 924
to division (C)(1) of this section, and a set of fingerprint 925
impressions obtained in the manner described in division (C)(2) of 926
this section, the superintendent of the bureau of criminal 927
identification and investigation shall conduct a criminal records 928
check with respect to any person for whom a criminal records check 929
is required by that section. The superintendent shall conduct the 930
criminal records check in the manner described in division (B) of 931

this section to determine whether any information exists that 932
indicates that the person who is the subject of the request 933
previously has been convicted of or pleaded guilty to any of the 934
following: 935

(a) A violation of section 2903.01, 2903.02, 2903.03, 936
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 937
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 938
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 939
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 940
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 941
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 942
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 943
2925.22, 2925.23, or 3716.11 of the Revised Code; 944

(b) An existing or former law of this state, any other state, 945
or the United States that is substantially equivalent to any of 946
the offenses listed in division (A)(12)(a) of this section. 947

(B) Subject to division (F) of this section, the 948
superintendent shall conduct any criminal records check to be 949
conducted under this section as follows: 950

(1) The superintendent shall review or cause to be reviewed 951
any relevant information gathered and compiled by the bureau under 952
division (A) of section 109.57 of the Revised Code that relates to 953
the person who is the subject of the criminal records check, 954
including, if the criminal records check was requested under 955
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 956
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 957
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 958
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 959
5104.012, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 960
5123.169, or 5153.111 of the Revised Code, any relevant 961
information contained in records that have been sealed under 962
section 2953.32 of the Revised Code; 963

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

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

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

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this

section, and the set of fingerprint impressions obtained in the 996
manner described in division (C)(2) of this section: 997

(a) If the superintendent is required by division (A) of this 998
section (other than division (A)(3) of this section) to conduct 999
the criminal records check, thirty; 1000

(b) If the superintendent is required by division (A)(3) of 1001
this section to conduct the criminal records check, sixty. 1002

(C)(1) The superintendent shall prescribe a form to obtain 1003
the information necessary to conduct a criminal records check from 1004
any person for whom a criminal records check is to be conducted 1005
under this section. The form that the superintendent prescribes 1006
pursuant to this division may be in a tangible format, in an 1007
electronic format, or in both tangible and electronic formats. 1008

(2) The superintendent shall prescribe standard impression 1009
sheets to obtain the fingerprint impressions of any person for 1010
whom a criminal records check is to be conducted under this 1011
section. Any person for whom a records check is to be conducted 1012
under this section shall obtain the fingerprint impressions at a 1013
county sheriff's office, municipal police department, or any other 1014
entity with the ability to make fingerprint impressions on the 1015
standard impression sheets prescribed by the superintendent. The 1016
office, department, or entity may charge the person a reasonable 1017
fee for making the impressions. The standard impression sheets the 1018
superintendent prescribes pursuant to this division may be in a 1019
tangible format, in an electronic format, or in both tangible and 1020
electronic formats. 1021

(3) Subject to division (D) of this section, the 1022
superintendent shall prescribe and charge a reasonable fee for 1023
providing a criminal records check under this section. The person 1024
requesting the criminal records check shall pay the fee prescribed 1025
pursuant to this division. In the case of a request under section 1026

1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1027
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1028
the manner specified in that section. 1029

(4) The superintendent of the bureau of criminal 1030
identification and investigation may prescribe methods of 1031
forwarding fingerprint impressions and information necessary to 1032
conduct a criminal records check, which methods shall include, but 1033
not be limited to, an electronic method. 1034

(D) The results of a criminal records check conducted under 1035
this section, other than a criminal records check specified in 1036
division (A)(7) of this section, are valid for the person who is 1037
the subject of the criminal records check for a period of one year 1038
from the date upon which the superintendent completes the criminal 1039
records check. If during that period the superintendent receives 1040
another request for a criminal records check to be conducted under 1041
this section for that person, the superintendent shall provide the 1042
results from the previous criminal records check of the person at 1043
a lower fee than the fee prescribed for the initial criminal 1044
records check. 1045

(E) When the superintendent receives a request for 1046
information from a registered private provider, the superintendent 1047
shall proceed as if the request was received from a school 1048
district board of education under section 3319.39 of the Revised 1049
Code. The superintendent shall apply division (A)(1)(c) of this 1050
section to any such request for an applicant who is a teacher. 1051

(F)(1) All information regarding the results of a criminal 1052
records check conducted under this section that the superintendent 1053
reports or sends under division (A)(7) or (9) of this section to 1054
the director of public safety, the treasurer of state, or the 1055
person, board, or entity that made the request for the criminal 1056
records check shall relate to the conviction of the subject 1057
person, or the subject person's plea of guilty to, a criminal 1058

offense. 1059

(2) Division (F)(1) of this section does not limit, restrict, 1060
or preclude the superintendent's release of information that 1061
relates to an adjudication of a child as a delinquent child, or 1062
that relates to a criminal conviction of a person under eighteen 1063
years of age if the person's case was transferred back to a 1064
juvenile court under division (B)(2) or (3) of section 2152.121 of 1065
the Revised Code and the juvenile court imposed a disposition or 1066
serious youthful offender disposition upon the person under either 1067
division, if either of the following applies with respect to the 1068
adjudication or conviction: 1069

(a) The adjudication or conviction was for a violation of 1070
section 2903.01 or 2903.02 of the Revised Code. 1071

(b) The adjudication or conviction was for a sexually 1072
oriented offense, as defined in section 2950.01 of the Revised 1073
Code, the juvenile court was required to classify the child a 1074
juvenile offender registrant for that offense under section 1075
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 1076
classification has not been removed. 1077

(G) As used in this section: 1078

(1) "Criminal records check" means any criminal records check 1079
conducted by the superintendent of the bureau of criminal 1080
identification and investigation in accordance with division (B) 1081
of this section. 1082

(2) "Minor drug possession offense" has the same meaning as 1083
in section 2925.01 of the Revised Code. 1084

(3) "OVI or OVUAC violation" means a violation of section 1085
4511.19 of the Revised Code or a violation of an existing or 1086
former law of this state, any other state, or the United States 1087
that is substantially equivalent to section 4511.19 of the Revised 1088
Code. 1089

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

Sec. 109.5721. (A) As used in this section: 1096

(1) "Employment" includes volunteer service. 1097

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

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

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

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

(B) Within six months after August 15, 2007, the
superintendent of the bureau of criminal identification and
investigation shall establish and maintain a database of

fingerprints of individuals on whom the bureau has conducted 1120
criminal records checks for the purpose of determining eligibility 1121
for employment with, licensure by, or approval for adoption by a 1122
public office or participating private party. The superintendent 1123
shall maintain the database separate and apart from other records 1124
maintained by the bureau. The database shall be known as the 1125
retained applicant fingerprint database. 1126

(C) When the superintendent receives information that an 1127
individual whose name is in the retained applicant fingerprint 1128
database has been arrested for, convicted of, or pleaded guilty to 1129
any offense, the superintendent shall promptly notify any 1130
participating public office or participating private party that 1131
employs, licensed, or approved the individual of the arrest, 1132
conviction, or guilty plea. The public office or participating 1133
private party that receives the notification and its employees and 1134
officers shall use the information contained in the notification 1135
solely to determine the individual's eligibility for continued 1136
employment with the public office or participating private party, 1137
to retain licensure issued by the public office, or to be approved 1138
for adoption by the public office. The public office or 1139
participating private party and its employees and officers shall 1140
not disclose that information to any person for any other purpose. 1141

(D) If an individual has submitted fingerprint impressions 1142
for employment with, licensure by, or approval for adoption by a 1143
participating public office or participating private party and 1144
seeks employment with, licensure by, or approval for adoption by 1145
another participating public office or participating private 1146
party, the other public office or participating private party 1147
shall reprint the individual. If an individual has been reprinted, 1148
the superintendent shall update that individual's information 1149
accordingly. 1150

(E) The bureau of criminal identification and investigation 1151

and the participating public office or participating private party 1152
shall use information contained in the retained applicant 1153
fingerprint database and in the notice described in division (C) 1154
of this section for the purpose of employment with, licensure by, 1155
or approval for adoption by the participating public office or 1156
participating private party. This information is otherwise 1157
confidential and not a public record under section 149.43 of the 1158
Revised Code. 1159

(F) The attorney general shall adopt rules in accordance with 1160
Chapter 119. of the Revised Code governing the operation and 1161
maintenance of the database. The rules shall provide for, but not 1162
be limited to, both of the following: 1163

(1) The expungement or sealing of records of individuals who 1164
are deceased or who are no longer employed, granted licensure, or 1165
approved for adoption by the public office or participating 1166
private party that required submission of the individual's 1167
fingerprints; 1168

(2) The terms under which a public office or participating 1169
private party may elect to receive notification under division (C) 1170
of this section, including payment of any reasonable fee that may 1171
be charged for the purpose. 1172

(G) No public office or employee of a public office shall be 1173
considered negligent in a civil action solely because the public 1174
office did not elect to be a participating public office. 1175

(H)(1) No person shall knowingly use information contained in 1176
or received from the retained applicant fingerprint database for 1177
purposes not authorized by this section. 1178

(2) No person shall knowingly use information contained in or 1179
received from the retained applicant fingerprint database with the 1180
intent to harass or intimidate another person. 1181

(3) Whoever violates division (H)(1) or (H)(2) of this 1182

section is guilty of unlawful use of retained applicant 1183
fingerprint database records. A violation of division (H)(1) of 1184
this section is a misdemeanor of the fourth degree. A violation of 1185
division (H)(2) of this section is a misdemeanor of the first 1186
degree. 1187

Sec. 118.27. (A) A financial planning and supervision 1188
commission with respect to a municipal corporation, county, or 1189
township, and its functions under this chapter, shall continue in 1190
existence until such time as a determination is made pursuant to 1191
division (B) of this section ~~that~~ of one of the following: 1192

(1) In the case of a village, the village has dissolved under 1193
section 118.31, 703.20, or 703.201 of the Revised Code. 1194

(2) In the case of a township, the township has dissolved 1195
under section 118.31 of the Revised Code. 1196

(3) In the case of a municipal corporation, county, or 1197
township, the municipal corporation, county, or township has done 1198
all of the following: 1199

~~(1)~~(a) Planned, and is in the process of good faith 1200
implementation of, an effective financial accounting and reporting 1201
system in accordance with section 118.10 of the Revised Code, and 1202
it is reasonably expected that such implementation will be 1203
completed within two years; 1204

~~(2)~~(b) Corrected and eliminated or has planned and is in the 1205
process of good faith implementation of correcting and eliminating 1206
all of the fiscal emergency conditions determined pursuant to 1207
section 118.04 of the Revised Code, and no new fiscal emergency 1208
conditions have occurred. The auditor of state shall monitor the 1209
progress of the municipal corporation, county, or township in its 1210
plan of good faith implementation of correcting and eliminating 1211
all the fiscal emergency conditions. This monitoring is to secure 1212

full implementation at the earliest time feasible but within two 1213
years from such termination. If after a two-year period, the 1214
municipal corporation, county, or township has failed to secure 1215
full implementation, the auditor of state may redeclare the 1216
municipal corporation, county, or township to be in a fiscal 1217
emergency. 1218

~~(3)~~(c) Met the objectives of the financial plan described in 1219
section 118.06 of the Revised Code; 1220

~~(4)~~(d) The municipal corporation, county, or township 1221
prepares a financial forecast for a five-year period in accordance 1222
with the standards issued by the auditor of state. An opinion must 1223
be rendered by the auditor of state that the financial forecast is 1224
considered to be nonadverse. 1225

(B) The determination that ~~all of such~~ the conditions for the 1226
termination of the existence of the commission and its functions 1227
exist may be made either by the auditor of state or by the 1228
commission and shall be certified to the commission, the auditor 1229
of state, the governor, and the budget commission, whereupon such 1230
commission and its functions under this chapter shall terminate. 1231
Such determination shall be made by the auditor of state upon the 1232
filing with the auditor of state of a written request for such 1233
determination by the municipal corporation, county, or township, 1234
the governor, or the commission, or may be made by the auditor of 1235
state upon the auditor of state's own initiative. 1236

(C) The commission shall prepare and submit with such 1237
certification a final report of its activities, in such form as is 1238
appropriate for the purpose of providing a record of its 1239
activities and assisting other commissions created under this 1240
chapter in the conduct of their functions. All of the books and 1241
records of the commission shall be delivered to the auditor of 1242
state for retention and safekeeping. 1243

(D) Upon receipt of the certification provided for in 1244
division (B) of this section, the director shall follow the 1245
procedures set forth in section 126.29 of the Revised Code. 1246

(E) If, at the time of termination of the commission, an 1247
effective financial accounting and reporting system has not been 1248
fully implemented, the auditor of state shall monitor the progress 1249
of implementation and shall exercise authority under Chapter 117. 1250
and section 118.10 of the Revised Code to secure full 1251
implementation at the earliest time feasible but within two years 1252
from such termination. 1253

Sec. 121.084. (A) All moneys collected under sections 1254
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 1255
4169.03, ~~4171.04~~, and 5104.051 of the Revised Code, and any other 1256
moneys collected by the division of industrial compliance shall be 1257
paid into the state treasury to the credit of the industrial 1258
compliance operating fund, which is hereby created. The department 1259
of commerce shall use the moneys in the fund for paying the 1260
operating expenses of the division and the administrative 1261
assessment described in division (B) of this section. 1262

(B) The director of commerce, with the approval of the 1263
director of budget and management, shall prescribe procedures for 1264
assessing the industrial compliance operating fund a proportionate 1265
share of the administrative costs of the department of commerce. 1266
The assessment shall be made in accordance with those procedures 1267
and be paid from the industrial compliance operating fund to the 1268
division of administration fund created in section 121.08 of the 1269
Revised Code. 1270

Sec. 122.12. As used in this section and in section 122.121 1271
of the Revised Code: 1272

(A) "Endorsing county" means a county that contains a site 1273

selected by a site selection organization for one or more games.	1274
(B) "Endorsing municipality" means a municipal corporation	1275
that contains a site selected by a site selection organization for	1276
one or more games.	1277
(C) "Game support contract" means a joinder undertaking,	1278
joinder agreement, or similar contract executed by an endorsing	1279
municipality or endorsing county and a site selection	1280
organization.	1281
(D) <u>(1)</u> "Game" means a national or international competition	1282
of football, auto racing, rugby, cricket, horse racing, mixed	1283
martial arts, <u>boxing</u> , or any sport that is governed by an	1284
international federation and included in at least one of the	1285
following:	1286
(1) <u>(a)</u> Olympic games;	1287
(2) <u>(b)</u> Pan American games;	1288
(3) <u>(c)</u> Commonwealth games.	1289
<u>(2) "Game" includes the special olympics.</u>	1290
(E) "Joinder agreement" means an agreement entered into by a	1291
local organizing committee, endorsing municipality, or endorsing	1292
county, or more than one endorsing municipality or county acting	1293
collectively and a site selection organization setting out	1294
representations and assurances by each endorsing municipality or	1295
endorsing county in connection with the selection of a site in	1296
this state for the location of a game.	1297
(F) "Joinder undertaking" means an agreement entered into by	1298
a local organizing committee, endorsing municipality, or endorsing	1299
county, or more than one endorsing municipality or county acting	1300
collectively and a site selection organization that each endorsing	1301
municipality or endorsing county will execute a joinder agreement	1302
in the event that the site selection organization selects a site	1303

in this state for a game. 1304

(G) "Local organizing committee" means a nonprofit 1305
corporation or its successor in interest that: 1306

(1) Has been authorized by an endorsing municipality, 1307
endorsing county, or more than one endorsing municipality or 1308
county acting collectively to pursue an application and bid on the 1309
applicant's behalf to a site selection organization for selection 1310
as the site of one or more games; or 1311

(2) With the authorization of an endorsing municipality, 1312
endorsing county, or more than one endorsing municipality or 1313
county acting collectively, has executed an agreement with a site 1314
selection organization regarding a bid to host one or more games. 1315

(H) "Site selection organization" means the national or 1316
international governing body of a sport that is recognized as such 1317
by the endorsing municipality, endorsing county, or local 1318
organizing committee. 1319

Sec. 122.121. (A) If a local organizing committee, endorsing 1320
municipality, or endorsing county enters into a joinder 1321
undertaking with a site selection organization, the local 1322
organizing committee, endorsing municipality, or endorsing county 1323
may apply to the director of development services, on a form and 1324
in the manner prescribed by the director, for a grant based on the 1325
projected incremental increase in the receipts from the tax 1326
imposed under section 5739.02 of the Revised Code within the 1327
market area designated under division (C) of this section, for the 1328
two-week period that ends at the end of the day after the date on 1329
which a game will be held, that is directly attributable, as 1330
determined by the director, to the preparation for and 1331
presentation of the game. The director shall determine the 1332
projected incremental increase in the tax imposed under section 1333
5739.02 of the Revised Code by using a formula approved by the 1334

destination marketing association international for event impact 1335
or another formula of similar purpose approved by the director. 1336
The local organizing committee, endorsing municipality, or 1337
endorsing county is eligible to receive a grant under this section 1338
only if the projected incremental increase in receipts from the 1339
tax imposed under section 5739.02 of the Revised Code, as 1340
determined by the director, exceeds two hundred fifty thousand 1341
dollars. The amount of the grant shall be not less than fifty per 1342
cent of the projected incremental increase in receipts, as 1343
determined by the director, but shall not exceed five hundred 1344
thousand dollars. The director shall not issue grants with a total 1345
value of more than one million dollars in any fiscal year, and 1346
shall not issue any grant before July 1, 2013. 1347

(B) If the director of development services approves an 1348
application for a local organizing committee, endorsing 1349
municipality, or endorsing county and that local organizing 1350
committee, endorsing municipality, or endorsing county enters into 1351
a joinder agreement with a site selection organization, the local 1352
organizing committee, endorsing municipality, or endorsing county 1353
shall file a copy of the joinder agreement with the director of 1354
~~development, who immediately shall notify the director of budget~~ 1355
~~and management of the filing. Within thirty days after receiving~~ 1356
~~the notice, the director of budget and management shall establish~~ 1357
~~a schedule to disburse from the general revenue fund to such local~~ 1358
~~organizing committee, endorsing municipality, or endorsing county~~ 1359
~~payments that total the amount certified by the director of~~ 1360
~~development under division (A) of this section, but in no event~~ 1361
~~shall the total amount disbursed exceed five hundred thousand~~ 1362
~~dollars, and no disbursement shall be made before July 1, 2013.~~ 1363
The ~~payments~~ grant shall be used exclusively by the local 1364
organizing committee, endorsing municipality, or endorsing county 1365
to fulfill a portion of its obligations to a site selection 1366

organization under game support contracts, which obligations may 1367
include the payment of costs relating to the preparations 1368
necessary for the conduct of the game, including acquiring, 1369
renovating, or constructing facilities; to pay the costs of 1370
conducting the game; and to assist the local organizing committee, 1371
endorsing municipality, or endorsing county in providing 1372
assurances required by a site selection organization sponsoring 1373
one or more games. 1374

(C) For the purposes of division (A) of this section, the 1375
director of development services, in consultation with the tax 1376
commissioner, shall designate the market area for a game. The 1377
market area shall consist of the combined statistical area, as 1378
defined by the United States office of management and budget, in 1379
which an endorsing municipality or endorsing county is located. 1380

(D) A local organizing committee, endorsing municipality, or 1381
endorsing county shall provide information required by the 1382
director of development services and tax commissioner to enable 1383
the director and commissioner to fulfill their duties under this 1384
section, including annual audited statements of any financial 1385
records required by a site selection organization and data 1386
obtained by the local organizing committee, endorsing 1387
municipality, or endorsing county relating to attendance at a game 1388
and to the economic impact of the game. A local organizing 1389
committee, an endorsing municipality, or an endorsing county shall 1390
provide an annual audited financial statement if so required by 1391
the director and commissioner, not later than the end of the 1392
fourth month after the date the period covered by the financial 1393
statement ends. 1394

(E) Within thirty days after the game, the local organizing 1395
committee, endorsing municipality, or endorsing county shall 1396
report to the director of development services about the economic 1397
impact of the game. The report shall be in the form and substance 1398

required by the director, including, but not limited to, a final 1399
income statement for the event showing total revenue and 1400
expenditures and revenue and expenditures in the market area for 1401
the game, and ticket sales for the game and any related activities 1402
for which admission was charged. The director ~~of development~~ shall 1403
determine, based on the reported information and the exercise of 1404
reasonable judgment, the incremental increase in receipts from the 1405
tax imposed under section 5739.02 of the Revised Code directly 1406
attributable to the game. If the actual incremental increase in 1407
such receipts is less than the projected incremental increase in 1408
receipts, the director may require the local organizing committee, 1409
endorsing municipality, or endorsing county to refund to the state 1410
all or a portion of the grant. 1411

(F) No disbursement may be made under this section if the 1412
director of development services determines that it would be used 1413
for the purpose of soliciting the relocation of a professional 1414
sports franchise located in this state. 1415

(G) This section may not be construed as creating or 1416
requiring a state guarantee of obligations imposed on an endorsing 1417
municipality or endorsing county under a game support contract or 1418
any other agreement relating to hosting one or more games in this 1419
state. 1420

Sec. 122.861. (A) As used in this section: 1421

(1) "Certified engine configuration" means a new, rebuilt, or 1422
remanufactured engine configuration that satisfies divisions 1423
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 1424
section: 1425

(a) It has been certified by the administrator of the United 1426
States environmental protection agency or the California air 1427
resources board. 1428

(b) It meets or is rebuilt or remanufactured to a more 1429
stringent set of engine emission standards than when originally 1430
manufactured, as determined pursuant to Subtitle G of Title VII of 1431
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 1432
et seq. 1433

(c) In the case of a certified engine configuration involving 1434
the replacement of an existing engine, an engine configuration 1435
that replaced an engine that was removed from the vehicle and 1436
returned to the supplier for remanufacturing to a more stringent 1437
set of engine emissions standards or for scrappage. 1438

(2) "Section 793" means section 793 of the Energy Policy Act 1439
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 1440

(3) "Verified technology" means a pollution control 1441
technology, including a retrofit technology, advanced truckstop 1442
electrification system, or auxiliary power unit, that has been 1443
verified by the administrator of the United States environmental 1444
protection agency or the California air resources board. 1445

(B) For the purpose of reducing emissions from diesel 1446
engines, the director of environmental protection shall administer 1447
a diesel emissions reduction grant program and a ~~diesel emissions~~ 1448
~~reduction revolving loan~~ clean diesel school bus program. The 1449
programs shall provide for the implementation in this state of 1450
section 793 and shall otherwise be administered in compliance with 1451
the requirements of section 793, and any regulations issued 1452
pursuant to that section. 1453

The director shall apply to the administrator of the United 1454
States environmental protection agency for grant or loan funds 1455
available under section 793 to help fund the diesel emissions 1456
reduction grant program and the ~~diesel emissions reduction~~ 1457
~~revolving loan~~ clean diesel school bus program. 1458

~~(C) There is hereby created in the state treasury the diesel~~ 1459

~~emissions reduction revolving loan fund consisting of money 1460
appropriated to it by the general assembly, any grants obtained 1461
from the federal government under section 793, and any other 1462
grants, gifts, or other contributions of money made to the credit 1463
of the fund. Money in the fund shall be used for the purpose of 1464
making loans for projects relating to certified engine 1465
configurations and verified technologies in a manner consistent 1466
with the requirements of section 793 and any regulations issued 1467
pursuant to that section. Interest earned from moneys in the fund 1468
shall be used to administer the diesel emissions reduction 1469
revolving loan program. 1470~~

Sec. 124.05. The state personnel board of review shall be 1471
composed of three members, not more than two of whom shall be 1472
affiliated with the same political party, to be appointed by the 1473
governor with the advice and consent of the senate. Terms of 1474
office shall be for six years, commencing on the ninth day of 1475
February and ending on the eighth day of February, except that 1476
upon expiration of the term ending February 11, 1975, the new term 1477
which succeeds it shall commence on February 12, 1975 and end on 1478
February 8, 1981; and upon expiration of the term ending February 1479
12, 1979, the new term which succeeds it shall commence on 1480
February 13, 1979 and end on February 8, 1985. Each member shall 1481
hold office from the date of ~~his~~ appointment until the end of the 1482
term for which ~~he~~ the member was appointed. 1483

A vacancy in the office of a member of the board shall be 1484
filled pursuant to section 3.03 of the Revised Code. Any member 1485
appointed to fill a vacancy prior to the expiration of the term 1486
for which ~~his~~ the member's predecessor was appointed shall hold 1487
office for the remainder of such term. Any member shall continue 1488
in office subsequent to the expiration date of ~~his~~ the member's 1489
term until ~~his~~ a successor takes office, or until a period of 1490
sixty days has elapsed, whichever occurs first. 1491

Each member of the board, before entering upon the duties of
~~his~~ office, shall take and subscribe an oath of office and give
bond as provided in section 121.11 of the Revised Code.

Any member of the board may be removed from office for any of
the causes and in the manner provided in section 3.04 of the
Revised Code.

No member of the board shall hold any other office of trust
or profit under the government of the United States, the state, or
any political subdivision thereof.

Each member of the board shall devote whatever time is
necessary to the duties of this office and shall hold no other
office ~~or position~~ of ~~public trust or profit~~. Each member of the
board shall receive a salary fixed pursuant to section 124.14 of
the Revised Code, payable in the same manner as the salaries of
other state officers, and shall be reimbursed for ~~his~~ actual
expenses incurred in the performance of ~~his~~ official duties.

The governor, at the time of making the original appointment
of the members of the board and at the time of making the
appointment of any member for a full term thereafter, shall
designate one of the members as ~~chairman~~ chairperson. A quorum of
the board is a majority of its members and no action of the board
is valid without the concurrence of at least a majority of its
members.

As used in this section only, "office of trust or profit"
means:

(A) A federal or state elective office or an elected office
of a political subdivision of the state;

(B) A position on a board or commission of the state that is
appointed by the governor;

(C) An office set forth in section 121.03, 121.04, or 121.05

of the Revised Code; 1522

(D) An office of the government of the United States that is 1523

appointed by the president of the United States. 1524

Sec. 124.32. (A) A person holding an office or position in 1525
the classified service may be transferred to a similar position in 1526
another office, department, or institution having the same pay and 1527
similar duties, but no transfer shall be made as follows: 1528

(1) From an office or position in one class to an office or 1529
position in another class; 1530

(2) To an office or position for original entrance to which 1531
there is required by sections 124.01 to 124.64 of the Revised 1532
Code, or the rules adopted pursuant to those sections, an 1533
examination involving essential tests or qualifications or 1534
carrying a salary different from or higher than those required for 1535
original entrance to an office or position held by the person 1536
proposed to be transferred. 1537

No person in the classified civil service of the state may be 1538
transferred without the consent of the director of administrative 1539
services. 1540

(B) Any person holding an office or position in the 1541
classified service who has been separated from the service without 1542
delinquency or misconduct on the person's part may be reinstated 1543
within one year from the date of that separation to a vacancy in 1544
the same office or in a similar position in the same department, 1545
except that a person in the classified service of the state only 1546
may be reinstated with the consent of the director of 1547
administrative services. But, if that separation is due to injury 1548
or physical or psychiatric disability, the person shall be 1549
reinstated in the same office held or in a similar position to 1550
that held at the time of separation, within ~~thirty~~ sixty days 1551

after written application for reinstatement, if the person passes 1552
a physical or psychiatric examination made by a licensed 1553
physician, a physician assistant, a clinical nurse specialist, a 1554
certified nurse practitioner, or a certified nurse-midwife showing 1555
that the person has recovered from the injury or physical or 1556
psychiatric disability, if the application for reinstatement is 1557
filed within two years from the date of separation, and if the 1558
application is not filed after the date of service eligibility 1559
retirement. The physician, physician assistant, clinical nurse 1560
specialist, certified nurse practitioner, or certified 1561
nurse-midwife shall be designated by the appointing authority and 1562
shall complete any written documentation of the physical or 1563
psychiatric examination. 1564

Sec. 125.13. (A) As used in this section: 1565

(1) "Emergency medical service organization" has the same 1566
meaning as in section 4765.01 of the Revised Code. 1567

(2) "Private fire company" has the same meaning as in section 1568
9.60 of the Revised Code. 1569

(B) Except as otherwise provided in section 5139.03 of the 1570
Revised Code, whenever a state agency determines that it has 1571
excess or surplus supplies, it shall notify the director of 1572
administrative services. Upon request by the director and on forms 1573
provided by the director, the state agency shall furnish to the 1574
director a list of all those excess and surplus supplies and an 1575
appraisal of their value. 1576

(C) The director of administrative services shall take 1577
immediate control of a state agency's excess and surplus supplies, 1578
except for the following excess and surplus supplies: 1579

(1) Excess or surplus supplies that have a value below the 1580
minimum value that the director establishes for excess and surplus 1581

supplies under division (F) of this section;	1582
(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;	1583 1584 1585 1586 1587
(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;	1588 1589
(4) Hazardous property.	1590
(D) The director shall inventory excess and surplus supplies in the director's control and may have the supplies repaired.	1591 1592
(E) The director may do either of the following:	1593
(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:	1594 1595 1596 1597
(a) To state agencies;	1598
(b) To state-supported or state-assisted institutions of higher education;	1599 1600
(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;	1601 1602 1603 1604
(d) To nonpublic elementary and secondary schools chartered by the state board of education under section 3301.16 of the Revised Code;	1605 1606 1607
(e) To the general public by auction, sealed bid, <u>sale</u> , or negotiation.	1608 1609
(2) If the director has attempted to dispose of any declared	1610

surplus or excess motor vehicle that does not exceed four thousand 1611
five hundred dollars in value pursuant to divisions (E)(1)(a) to 1612
(c) of this section, donate the motor vehicle to a nonprofit 1613
organization exempt from federal income taxation pursuant to 26 1614
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 1615
transportation needs of participants in the Ohio works first 1616
program established under Chapter 5107. of the Revised Code and 1617
participants in the prevention, retention, and contingency program 1618
established under Chapter 5108. of the Revised Code. The director 1619
may not donate a motor vehicle furnished to the state highway 1620
patrol to a nonprofit organization pursuant to this division. 1621

(F) The director may adopt rules governing the sale, lease, 1622
or transfer of surplus and excess supplies in the director's 1623
control by public auction, sealed bid, sale, or negotiation, 1624
except that no employee of the disposing agency shall be allowed 1625
to purchase, lease, or receive any such supplies. The director may 1626
dispose of declared surplus or excess supplies, including motor 1627
vehicles, in the director's control as the director determines 1628
proper if such supplies cannot be disposed of pursuant to division 1629
(E) of this section. The director shall by rule establish a 1630
minimum value for excess and surplus supplies and prescribe 1631
procedures for a state agency to follow in disposing of excess and 1632
surplus supplies in its control that have a value below the 1633
minimum value established by the director. 1634

(G) No state-supported or state-assisted institution of 1635
higher education, tax-supported agency, municipal corporation, or 1636
other political subdivision of this state, private fire company, 1637
or private, nonprofit emergency medical service organization shall 1638
sell, lease, or transfer excess or surplus supplies acquired under 1639
this section to private entities or the general public at a price 1640
greater than the price it originally paid for those supplies. 1641

(H) The director of administrative services may authorize any 1642

state agency to transfer surplus computers and computer equipment 1643
that are not needed by other state agencies directly to an 1644
accredited public school within the state. The computers and 1645
computer equipment may be repaired or refurbished prior to 1646
transfer. The state agency may charge a service fee to the public 1647
schools for the property not to exceed the direct cost of 1648
repairing or refurbishing it. The state agency shall deposit such 1649
funds into the account used for repair or refurbishment. 1650

Sec. 125.18. (A) There is hereby established the office of 1651
information technology within the department of administrative 1652
services. The office shall be under the supervision of a state 1653
chief information officer to be appointed by the director of 1654
administrative services and subject to removal at the pleasure of 1655
the director. The chief information officer is an assistant 1656
director of administrative services. 1657

(B) Under the direction of the director of administrative 1658
services, the state chief information officer shall lead, oversee, 1659
and direct state agency activities related to information 1660
technology development and use. In that regard, the state chief 1661
information officer shall do all of the following: 1662

(1) Coordinate and superintend statewide efforts to promote 1663
common use and development of technology by state agencies. The 1664
office of information technology shall establish policies and 1665
standards that govern and direct state agency participation in 1666
statewide programs and initiatives. 1667

(2) Establish policies and standards for the acquisition and 1668
use of common information technology by state agencies, including, 1669
but not limited to, hardware, software, technology services, and 1670
security, and the extension of the service life of information 1671
technology systems, with which state agencies shall comply; 1672

(3) Establish criteria and review processes to identify state 1673

agency information technology projects or purchases that require 1674
alignment or oversight. As appropriate, the department of 1675
administrative services shall provide the governor and the 1676
director of budget and management with notice and advice regarding 1677
the appropriate allocation of resources for those projects. The 1678
state chief information officer may require state agencies to 1679
provide, and may prescribe the form and manner by which they must 1680
provide, information to fulfill the state chief information 1681
officer's alignment and oversight role; 1682

(4) Establish policies and procedures for the security of 1683
personal information that is maintained and destroyed by state 1684
agencies; 1685

(5) Employ a chief information security officer who is 1686
responsible for the implementation of the policies and procedures 1687
described in division (B)(4) of this section and for coordinating 1688
the implementation of those policies and procedures in all of the 1689
state agencies; 1690

(6) Employ a chief privacy officer who is responsible for 1691
advising state agencies when establishing policies and procedures 1692
for the security of personal information and developing education 1693
and training programs regarding the state's security procedures; 1694

(7) Establish policies on the purchasing, use, and 1695
reimbursement for use of handheld computing and telecommunications 1696
devices by state agency employees; 1697

(8) Establish policies for the reduction of printing and the 1698
use of electronic records by state agencies; 1699

(9) Establish policies for the reduction of energy 1700
consumption by state agencies; 1701

(10) Compute the amount of revenue attributable to the 1702
amortization of all equipment purchases and capitalized systems 1703
from information technology service delivery and major information 1704

technology purchases operating appropriation items and major 1705
computer purchases capital appropriation items that is recovered 1706
as part of the information technology services rates the 1707
department of administrative services charges and deposits into 1708
the information technology fund created in section 125.15 of the 1709
Revised Code; 1710

(11) Regularly review and make recommendations regarding 1711
improving the infrastructure of the state's cybersecurity 1712
operations with existing resources and through partnerships 1713
between government, business, and institutions of higher 1714
education; 1715

(12) Assist, as needed, with general state efforts to grow 1716
the cybersecurity industry in this state. 1717

(C)(1) The chief information security officer shall assist 1718
each state agency with the development of an information 1719
technology security strategic plan and review that plan, and each 1720
state agency shall submit that plan to the state chief information 1721
officer. The chief information security officer may require that 1722
each state agency update its information technology security 1723
strategic plan annually as determined by the state chief 1724
information officer. 1725

(2) Prior to the implementation of any information technology 1726
data system, a state agency shall prepare or have prepared a 1727
privacy impact statement for that system. 1728

(D) When a state agency requests a purchase of information 1729
technology supplies or services under Chapter 125. of the Revised 1730
Code, the state chief information officer may review and reject 1731
the requested purchase for noncompliance with information 1732
technology direction, plans, policies, standards, or 1733
project-alignment criteria. 1734

(E) The office of information technology may operate 1735

technology services for state agencies in accordance with this 1736
chapter. 1737

(F) With the approval of the director of administrative 1738
services, the office of information technology may establish 1739
cooperative agreements with federal and local government agencies 1740
and state agencies that are not under the authority of the 1741
governor for the provision of technology services and the 1742
development of technology projects. 1743

(G) The office of information technology may operate a 1744
program to make information technology purchases. The director of 1745
administrative services may recover the cost of operating the 1746
program from all participating government entities by issuing 1747
intrastate transfer voucher billings for the procured technology 1748
or through any pass-through billing method agreed to by the 1749
director of administrative services, the director of budget and 1750
management, and the participating government entities that will 1751
receive the procured technology. 1752

If the director of administrative services chooses to recover 1753
the program costs through intrastate transfer voucher billings, 1754
the participating government entities shall process the intrastate 1755
transfer vouchers to pay for the cost. Amounts received under this 1756
section for the information technology purchase program shall be 1757
deposited to the credit of the information technology governance 1758
fund created in section 125.15 of the Revised Code. 1759

(H) Upon request from the director of administrative 1760
services, the director of budget and management may transfer cash 1761
from the information technology fund created in section 125.15 of 1762
the Revised Code to the major information technology purchases 1763
fund in an amount not to exceed the amount computed under division 1764
(B)(10) of this section. The major information technology 1765
purchases fund is hereby created in the state treasury. 1766

(I) As used in this section:	1767
(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.	1768 1769
(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency.	1770 1771 1772 1773 1774 1775 1776 1777 1778 1779 1780 1781
Sec. 125.182. The office of information technology, by itself or by contract with another entity, (A) An Ohio trade association that represents the majority of newspapers of general circulation as defined in section 7.12 of the Revised Code shall establish, operate, and maintain a state the official public notice web site. In establishing, maintaining, and operating the state public notice web site, the office of information technology	1782 1783 1784 1785 1786 1787 1788
<u>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.</u>	1789 1790 1791 1792 1793 1794 1795 1796
<u>The operator of the official public notice web site shall:</u>	1797

~~(A)~~(1) Use a domain name for the web site that will be easily 1798
recognizable and remembered by and understandable to users of the 1799
web site; 1800

~~(B)~~(2) Maintain the web site on the internet so that it is 1801
fully accessible to and searchable by members of the public at all 1802
times, other than during maintenance or acts of God outside the 1803
operator's control; 1804

~~(C)~~(3) Not charge a fee to a person ~~who~~ that accesses, the 1805
web site to view notices or advertisements or to perform searches, 1806
~~or otherwise uses of~~ the web site, provided that the operator may 1807
charge a fee for enhanced search and customized content delivery 1808
features; 1809

~~(D)~~(4) Not charge a fee to a state agency or political 1810
subdivision for publishing a notice or advertisement on the web 1811
site; 1812

~~(E)~~(5) Ensure that notices and advertisements displayed on 1813
the web site conform to the requirements that would apply to the 1814
notices and advertisements if they were being published in a 1815
newspaper, as directed in section 7.16 of the Revised Code or in 1816
the relevant provision of the statute or rule that requires the 1817
notice; 1818

~~(F)~~(6) Ensure that notices and advertisements continue to be 1819
displayed on the web site for not less than the length of time 1820
required by the relevant provision of the statute or rule that 1821
requires the notice or advertisement; 1822

~~(G)~~ ~~Devise and display on the web site a form that may be~~ 1823
~~downloaded and used to request publication of a notice on the web~~ 1824
~~site;~~ 1825

~~(H)~~ ~~Enable responsible parties to submit notices and requests~~ 1826
~~for their publication;~~ 1827

(I) (7) Maintain an archive of notices <u>and advertisements</u> that	1828
no longer are displayed on the web site;	1829
(J) (8) Enable notices <u>and advertisements</u> , both those	1830
currently displayed and those archived, to be accessed by key	1831
word, by party name, by case number, by county, and by other	1832
useful identifiers;	1833
(K) (9) Maintain adequate systemic security and backup	1834
features, and develop and maintain a contingency plan for coping	1835
with and recovering from power outages, systemic failures, and	1836
other unforeseeable difficulties;	1837
(L) Maintain the web site in such a manner that it will not	1838
infringe legally protected interests, so that vulnerability of the	1839
web site to interruption because of litigation or the threat of	1840
litigation is reduced; and	1841
(M) Submit a status report to the secretary of state twice	1842
annually that demonstrates compliance with statutory requirements	1843
governing publication of notices.	1844
The office of information technology shall bear the expense	1845
of maintaining the state public notice web site domain name (10)	1846
<u>Provide access to the web site to the publisher of any Ohio</u>	1847
<u>newspaper or daily law journal that qualifies under the Revised</u>	1848
<u>Code to publish notices and advertisements, for the posting of</u>	1849
<u>notices and advertisements at no cost, or for a reasonable,</u>	1850
<u>uniform fee for the service; and</u>	1851
<u>(11) Provide, if requested, a regularly scheduled feed or</u>	1852
<u>similar data transfer to the department of administrative services</u>	1853
<u>of notices and advertisements posted on the web site, provided</u>	1854
<u>that the operator of the web site shall not be required to provide</u>	1855
<u>the feed or transfer more often than once every business day.</u>	1856
<u>(B) An error in a notice or advertisement posted on the</u>	1857
<u>official public notice web site, or a temporary web site outage or</u>	1858

service interruption preventing the posting or display of a notice 1859
or advertisement on that web site, does not constitute a defect in 1860
making legal publication of the notice or advertisement, and 1861
publication requirements shall be considered met if the notice or 1862
advertisement published in the newspaper or daily law journal is 1863
correct. 1864

(C) The official public notice web site shall not contain any 1865
political publications or political advertising described in 1866
division (A)(1)(a), (b), or (c) of section 3517.20 of the Revised 1867
Code. 1868

(D) The publisher of a newspaper of general circulation or of 1869
a daily law journal that maintains a web site shall include on its 1870
web site a link to the official public notice web site. 1871

Sec. 126.21. (A) The director of budget and management shall 1872
do all of the following: 1873

(1) Keep all necessary accounting records; 1874

(2) Prescribe and maintain the accounting system of the state 1875
and establish appropriate accounting procedures and charts of 1876
accounts; 1877

(3) Establish procedures for the use of written, electronic, 1878
optical, or other communications media for approving and reviewing 1879
payment vouchers; 1880

(4) Reconcile, in the case of any variation between the 1881
amount of any appropriation and the aggregate amount of items of 1882
the appropriation, with the advice and assistance of the state 1883
agency affected by it and the legislative service commission, 1884
totals so as to correspond in the aggregate with the total 1885
appropriation. In the case of a conflict between the item and the 1886
total of which it is a part, the item shall be considered the 1887
intended appropriation. 1888

(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;	1889 1890
(6) Authorize the establishment of petty cash accounts. The director may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time.	1891 1892 1893 1894 1895 1896 1897 1898
(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;	1899 1900
(8) Perform extensions, reviews, and compliance checks prior to or after approving a payment as the director considers necessary;	1901 1902 1903
(9) Issue the official comprehensive annual financial report of the state. The report shall cover all funds of the state reporting entity and shall include basic financial statements and required supplementary information prepared in accordance with generally accepted accounting principles and other information as the director provides. All state agencies, authorities, institutions, offices, retirement systems, and other component units of the state reporting entity as determined by the director shall furnish the director whatever financial statements and other information the director requests for the report, in the form, at the times, covering the periods, and with the attestation the director prescribes. The information for state institutions of higher education, as defined in section 3345.011 of the Revised Code, shall be submitted to the chancellor by the Ohio board of regents. The board shall establish a due date by which each such institution shall submit the information to the board, but no such date shall be later than one hundred twenty days after the end of	1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920

the state fiscal year unless a later date is approved by the 1921
director. 1922

(B) In addition to the director's duties under division (A) 1923
of this section, the director may establish and administer one or 1924
more ~~state~~ payment card programs that permit ~~or require~~ state 1925
agencies and political subdivisions to use a payment card to 1926
purchase equipment, materials, supplies, or services in accordance 1927
with guidelines issued by the director. The chief administrative 1928
officer of a state agency or political subdivision that uses a 1929
payment card for such purposes shall ensure that purchases made 1930
with the card are made in accordance with the guidelines issued by 1931
the director ~~and do not exceed the unexpended, unencumbered,~~ 1932
~~unobligated balance in the appropriation to be charged for the~~ 1933
~~purchase.~~ State agencies may participate in only those ~~state~~ 1934
payment card programs that the director establishes pursuant to 1935
this section. 1936

(C) In addition to the director's duties under divisions (A) 1937
and (B) of this section, the director may enter into any contract 1938
or agreement necessary for and incidental to the performance of 1939
the director's duties or the duties of the office of budget and 1940
management. 1941

(D) In addition to the director's duties under divisions (A), 1942
(B), and (C) of this section, the director may operate a shared 1943
services center within the office of budget and management for the 1944
purpose of consolidating common business functions and 1945
transactional processes. The services offered by the shared 1946
services center may be provided to any state agency or political 1947
subdivision. In consultation with the director of administrative 1948
services, the director may appoint and fix the compensation of 1949
employees of the office ~~of budget and management~~ whose primary 1950
duties include the consolidation of ~~statewide financing~~ common 1951
business functions and ~~common~~ transactional processes. 1952

(E) The director may transfer cash between funds other than 1953
the general revenue fund in order to correct an erroneous payment 1954
or deposit regardless of the fiscal year during which the 1955
erroneous payment or deposit occurred. 1956

(F) As used in divisions (B) and (D) of this section: 1957

(1) "Political subdivision" has the same meaning as in 1958
section 2744.01 of the Revised Code. 1959

(2) "State agency" has the same meaning as in section 9.482 1960
of the Revised Code. 1961

Sec. 126.25. The ~~accounting and budgeting~~ services provided 1962
by the director of budget and management under section 126.21 of 1963
the Revised Code shall be supported by ~~user~~ charges. The director 1964
shall determine a rate that is sufficient to defray the expense of 1965
those services and the manner by which those charges shall be 1966
collected. All money collected from ~~user~~ the charges shall be 1967
deposited in the state treasury to the credit of the accounting 1968
and budgeting fund, which is hereby created. Rebates or revenue 1969
shares received from any ~~state~~ payment card program established 1970
under division (B) of section 126.21 of the Revised Code and 1971
miscellaneous payments that reimburse expenses paid from the 1972
accounting and budgeting fund may be deposited into the accounting 1973
and budgeting fund and used to support ~~accounting and budgeting~~ 1974
the services provided by the director. 1975

Sec. 133.06. (A) A school district shall not incur, without a 1976
vote of the electors, net indebtedness that exceeds an amount 1977
equal to one-tenth of one per cent of its tax valuation, except as 1978
provided in divisions (G) and (H) of this section and in division 1979
~~(C)~~(D) of section 3313.372 of the Revised Code, or as prescribed 1980
in section 3318.052 or 3318.44 of the Revised Code, or as provided 1981
in division (J) of this section. 1982

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

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

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

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

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

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section, 2014
under section 133.301 of the Revised Code, and, to the extent in 2015
excess of the limitation stated in division (B) of this section, 2016
under division (E) of this section; 2017

(3) Indebtedness resulting from the dissolution of a joint 2018
vocational school district under section 3311.217 of the Revised 2019
Code, evidenced by outstanding securities of that joint vocational 2020
school district; 2021

(4) Loans, evidenced by any securities, received under 2022
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 2023

(5) Debt incurred under section 3313.374 of the Revised Code; 2024

(6) Debt incurred pursuant to division (B)(5) of section 2025
3313.37 of the Revised Code to acquire computers and related 2026
hardware; 2027

(7) Debt incurred under section 3318.042 of the Revised Code. 2028

(E) A school district may become a special needs district as 2029
to certain securities as provided in division (E) of this section. 2030

(1) A board of education, by resolution, may declare its 2031
school district to be a special needs district by determining both 2032
of the following: 2033

(a) The student population is not being adequately serviced 2034
by the existing permanent improvements of the district. 2035

(b) The district cannot obtain sufficient funds by the 2036
issuance of securities within the limitation of division (B) of 2037
this section to provide additional or improved needed permanent 2038
improvements in time to meet the needs. 2039

(2) The board of education shall certify a copy of that 2040
resolution to the superintendent of public instruction with a 2041
statistical report showing all of the following: 2042

(a) The history of and a projection of the growth of the tax 2043

valuation;	2044
(b) The projected needs;	2045
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	2046 2047
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	2048 2049 2050
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	2051 2052 2053
(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.	2054 2055 2056 2057 2058 2059 2060 2061
(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:	2062 2063 2064 2065
(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;	2066 2067 2068 2069 2070 2071
(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by	2072 2073

the percentage, determined by the superintendent of public 2074
instruction, by which that tax valuation is projected to increase 2075
during the next ten years. 2076

(F) A school district may issue securities for emergency 2077
purposes, in a principal amount that does not exceed an amount 2078
equal to three per cent of its tax valuation, as provided in this 2079
division. 2080

(1) A board of education, by resolution, may declare an 2081
emergency if it determines both of the following: 2082

(a) School buildings or other necessary school facilities in 2083
the district have been wholly or partially destroyed, or condemned 2084
by a constituted public authority, or that such buildings or 2085
facilities are partially constructed, or so constructed or planned 2086
as to require additions and improvements to them before the 2087
buildings or facilities are usable for their intended purpose, or 2088
that corrections to permanent improvements are necessary to remove 2089
or prevent health or safety hazards. 2090

(b) Existing fiscal and net indebtedness limitations make 2091
adequate replacement, additions, or improvements impossible. 2092

(2) Upon the declaration of an emergency, the board of 2093
education may, by resolution, submit to the electors of the 2094
district pursuant to section 133.18 of the Revised Code the 2095
question of issuing securities for the purpose of paying the cost, 2096
in excess of any insurance or condemnation proceeds received by 2097
the district, of permanent improvements to respond to the 2098
emergency need. 2099

(3) The procedures for the election shall be as provided in 2100
section 133.18 of the Revised Code, except that: 2101

(a) The form of the ballot shall describe the emergency 2102
existing, refer to this division as the authority under which the 2103
emergency is declared, and state that the amount of the proposed 2104

securities exceeds the limitations prescribed by division (B) of 2105
this section; 2106

(b) The resolution required by division (B) of section 133.18 2107
of the Revised Code shall be certified to the county auditor and 2108
the board of elections at least one hundred days prior to the 2109
election; 2110

(c) The county auditor shall advise and, not later than 2111
ninety-five days before the election, confirm that advice by 2112
certification to, the board of education of the information 2113
required by division (C) of section 133.18 of the Revised Code; 2114

(d) The board of education shall then certify its resolution 2115
and the information required by division (D) of section 133.18 of 2116
the Revised Code to the board of elections not less than ninety 2117
days prior to the election. 2118

(4) Notwithstanding division (B) of section 133.21 of the 2119
Revised Code, the first principal payment of securities issued 2120
under this division may be set at any date not later than sixty 2121
months after the earliest possible principal payment otherwise 2122
provided for in that division. 2123

(G)(1) The board of education may contract with an architect, 2124
professional engineer, or other person experienced in the design 2125
and implementation of energy conservation measures for an analysis 2126
and recommendations pertaining to installations, modifications of 2127
installations, or remodeling that would significantly reduce 2128
energy consumption in buildings owned by the district. The report 2129
shall include estimates of all costs of such installations, 2130
modifications, or remodeling, including costs of design, 2131
engineering, installation, maintenance, repairs, and debt service, 2132
forgone residual value of materials or equipment replaced by the 2133
energy conservation measure, as defined by the Ohio school 2134
facilities commission, a baseline analysis of actual energy 2135

consumption data for the preceding three years with the utility 2136
baseline based on only the actual energy consumption data for the 2137
preceding twelve months, and estimates of the amounts by which 2138
energy consumption and resultant operational and maintenance 2139
costs, as defined by the commission, would be reduced. 2140

If the board finds after receiving the report that the amount 2141
of money the district would spend on such installations, 2142
modifications, or remodeling is not likely to exceed the amount of 2143
money it would save in energy and resultant operational and 2144
maintenance costs over the ensuing fifteen years, the board may 2145
submit to the commission a copy of its findings and a request for 2146
approval to incur indebtedness to finance the making or 2147
modification of installations or the remodeling of buildings for 2148
the purpose of significantly reducing energy consumption. 2149

The school facilities commission, in consultation with the 2150
auditor of state, may deny a request under this division by the 2151
board of education any school district is in a state of fiscal 2152
watch pursuant to division (A) of section 3316.03 of the Revised 2153
Code, if it determines that the expenditure of funds is not in the 2154
best interest of the school district. 2155

No district board of education of a school district that is 2156
in a state of fiscal emergency pursuant to division (B) of section 2157
3316.03 of the Revised Code shall submit a request without 2158
submitting evidence that the installations, modifications, or 2159
remodeling have been approved by the district's financial planning 2160
and supervision commission established under section 3316.05 of 2161
the Revised Code. 2162

No board of education of a school district that, for three or 2163
more consecutive years, has been declared to be in a state of 2164
academic emergency under section 3302.03 of the Revised Code, as 2165
that section existed prior to March 22, 2013, and has failed to 2166
meet adequate yearly progress, or has met any condition set forth 2167

in division (A)(2), (3), or (4) of section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

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

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

(b) The request for approval is complete.

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

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

(3) So long as any securities issued under this division remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to this division and shall maintain and annually update a report documenting the

reductions in energy consumption and resultant operational and 2199
maintenance cost savings attributable to such installations, 2200
modifications, or remodeling. The report shall be certified by an 2201
architect or engineer independent of any person that provided 2202
goods or services to the board in connection with the energy 2203
conservation measures that are the subject of the report. The 2204
resultant operational and maintenance cost savings shall be 2205
certified by the school district treasurer. The report shall be 2206
submitted annually to the commission. 2207

(H) With the consent of the superintendent of public 2208
instruction, a school district may incur without a vote of the 2209
electors net indebtedness that exceeds the amounts stated in 2210
divisions (A) and (G) of this section for the purpose of paying 2211
costs of permanent improvements, if and to the extent that both of 2212
the following conditions are satisfied: 2213

(1) The fiscal officer of the school district estimates that 2214
receipts of the school district from payments made under or 2215
pursuant to agreements entered into pursuant to section 725.02, 2216
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 2217
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 2218
Code, or distributions under division (C) of section 5709.43 of 2219
the Revised Code, or any combination thereof, are, after 2220
accounting for any appropriate coverage requirements, sufficient 2221
in time and amount, and are committed by the proceedings, to pay 2222
the debt charges on the securities issued to evidence that 2223
indebtedness and payable from those receipts, and the taxing 2224
authority of the district confirms the fiscal officer's estimate, 2225
which confirmation is approved by the superintendent of public 2226
instruction; 2227

(2) The fiscal officer of the school district certifies, and 2228
the taxing authority of the district confirms, that the district, 2229
at the time of the certification and confirmation, reasonably 2230

expects to have sufficient revenue available for the purpose of 2231
operating such permanent improvements for their intended purpose 2232
upon acquisition or completion thereof, and the superintendent of 2233
public instruction approves the taxing authority's confirmation. 2234

The maximum maturity of securities issued under division (H) 2235
of this section shall be the lesser of twenty years or the maximum 2236
maturity calculated under section 133.20 of the Revised Code. 2237

(I) A school district may incur net indebtedness by the 2238
issuance of securities in accordance with the provisions of this 2239
chapter in excess of the limit specified in division (B) or (C) of 2240
this section when necessary to raise the school district portion 2241
of the basic project cost and any additional funds necessary to 2242
participate in a project under Chapter 3318. of the Revised Code, 2243
including the cost of items designated by the Ohio school 2244
facilities commission as required locally funded initiatives, the 2245
cost of other locally funded initiatives in an amount that does 2246
not exceed fifty per cent of the district's portion of the basic 2247
project cost, and the cost for site acquisition. The school 2248
facilities commission shall notify the superintendent of public 2249
instruction whenever a school district will exceed either limit 2250
pursuant to this division. 2251

(J) A school district whose portion of the basic project cost 2252
of its classroom facilities project under sections 3318.01 to 2253
3318.20 of the Revised Code is greater than or equal to one 2254
hundred million dollars may incur without a vote of the electors 2255
net indebtedness in an amount up to two per cent of its tax 2256
valuation through the issuance of general obligation securities in 2257
order to generate all or part of the amount of its portion of the 2258
basic project cost if the controlling board has approved the 2259
school facilities commission's conditional approval of the project 2260
under section 3318.04 of the Revised Code. The school district 2261
board and the Ohio school facilities commission shall include the 2262

dedication of the proceeds of such securities in the agreement 2263
entered into under section 3318.08 of the Revised Code. No state 2264
moneys shall be released for a project to which this section 2265
applies until the proceeds of any bonds issued under this section 2266
that are dedicated for the payment of the school district portion 2267
of the project are first deposited into the school district's 2268
project construction fund. 2269

Sec. 133.07. (A) A county shall not incur, without a vote of 2270
the electors, either of the following: 2271

(1) Net indebtedness for all purposes that exceeds an amount 2272
equal to one per cent of its tax valuation; 2273

(2) Net indebtedness for the purpose of paying the county's 2274
share of the cost of the construction, improvement, maintenance, 2275
or repair of state highways that exceeds an amount equal to 2276
one-half of one per cent of its tax valuation. 2277

(B) A county shall not incur total net indebtedness that 2278
exceeds an amount equal to one of the following limitations that 2279
applies to the county: 2280

(1) A county with a valuation not exceeding one hundred 2281
million dollars, three per cent of that tax valuation; 2282

(2) A county with a tax valuation exceeding one hundred 2283
million dollars but not exceeding three hundred million dollars, 2284
three million dollars plus one and one-half per cent of that tax 2285
valuation in excess of one hundred million dollars; 2286

(3) A county with a tax valuation exceeding three hundred 2287
million dollars, six million dollars plus two and one-half per 2288
cent of that tax valuation in excess of three hundred million 2289
dollars. 2290

(C) In calculating the net indebtedness of a county, none of 2291
the following securities shall be considered: 2292

(1) Securities described in section 307.201 of the Revised Code;	2293 2294
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	2295 2296 2297
(a) Water systems or facilities;	2298
(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;	2299 2300 2301
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	2302 2303 2304
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	2305 2306 2307
(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;	2308 2309 2310
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	2311 2312
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	2313 2314
(h) Correctional and detention facilities and related rehabilitation facilities.	2315 2316
(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 subdivision to pay to the county amounts equivalent to debt	2317 2318 2319 2320 2321 2322

charges on the securities;	2323
(4) Voted general obligation securities issued for the	2324
purpose of permanent improvements for sanitary sewerage or water	2325
systems or facilities to the extent that the total principal	2326
amount of voted securities outstanding for the purpose does not	2327
exceed an amount equal to two per cent of the county's tax	2328
valuation;	2329
(5) Securities issued for permanent improvements to house	2330
agencies, departments, boards, or commissions of the county or of	2331
any municipal corporation located, in whole or in part, in the	2332
county, to the extent that the revenues, other than revenues from	2333
unvoted county property taxes, derived from leases or other	2334
agreements between the county and those agencies, departments,	2335
boards, commissions, or municipal corporations relating to the use	2336
of the permanent improvements are sufficient to cover the cost of	2337
all operating expenses of the permanent improvements paid by the	2338
county and debt charges on the securities;	2339
(6) Securities issued pursuant to section 133.08 of the	2340
Revised Code;	2341
(7) Securities issued for the purpose of acquiring or	2342
constructing roads, highways, bridges, or viaducts, for the	2343
purpose of acquiring or making other highway permanent	2344
improvements, or for the purpose of procuring and maintaining	2345
computer systems for the office of the clerk of any	2346
county-operated municipal court, for the office of the clerk of	2347
the court of common pleas, or for the office of the clerk of the	2348
probate, juvenile, or domestic relations division of the court of	2349
common pleas to the extent that the legislation authorizing the	2350
issuance of the securities includes a covenant to appropriate from	2351
moneys distributed to the county pursuant to division (B) of	2352
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or	2353
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a	2354

sufficient amount to cover debt charges on and financing costs	2355
relating to the securities as they become due;	2356
(8) Securities issued for the purpose of acquiring,	2357
constructing, improving, and equipping a county, multicounty, or	2358
multicounty-municipal jail, workhouse, juvenile detention	2359
facility, or correctional facility;	2360
(9) Securities issued for the acquisition, construction,	2361
equipping, or repair of any permanent improvement or any class or	2362
group of permanent improvements enumerated in a resolution adopted	2363
pursuant to division (D) of section 5739.026 of the Revised Code	2364
to the extent that the legislation authorizing the issuance of the	2365
securities includes a covenant to appropriate from moneys received	2366
from the taxes authorized under section 5739.023 and division	2367
(A)(5) of section 5739.026 of the Revised Code an amount	2368
sufficient to pay debt charges on the securities and those moneys	2369
shall be pledged for that purpose;	2370
(10) Securities issued for county or joint county solid waste	2371
or hazardous waste collection, transfer, or disposal facilities,	2372
or resource recovery and solid or hazardous waste recycling	2373
facilities, or any combination of those facilities;	2374
(11) Securities issued for the acquisition, construction, and	2375
equipping of a port authority educational and cultural facility	2376
under section 307.671 of the Revised Code;	2377
(12) Securities issued for the acquisition, construction,	2378
equipping, and improving of a municipal educational and cultural	2379
facility under division (B)(1) of section 307.672 of the Revised	2380
Code;	2381
(13) Securities issued for energy conservation measures under	2382
section 307.041 of the Revised Code;	2383
(14) Securities issued for the acquisition, construction,	2384
equipping, improving, or repair of a sports facility, including	2385

obligations issued to pay costs of a sports facility under section	2386
307.673 of the Revised Code;	2387
(15) Securities issued under section 755.17 of the Revised	2388
Code if the legislation authorizing issuance of the securities	2389
includes a covenant to appropriate from revenue received from a	2390
tax authorized under division (A)(5) of section 5739.026 and	2391
section 5741.023 of the Revised Code an amount sufficient to pay	2392
debt charges on the securities, and the board of county	2393
commissioners pledges that revenue for that purpose, pursuant to	2394
section 755.171 of the Revised Code;	2395
(16) Sales tax supported bonds issued pursuant to section	2396
133.081 of the Revised Code for the purpose of acquiring,	2397
constructing, improving, or equipping any permanent improvement to	2398
the extent that the legislation authorizing the issuance of the	2399
sales tax supported bonds pledges county sales taxes to the	2400
payment of debt charges on the sales tax supported bonds and	2401
contains a covenant to appropriate from county sales taxes a	2402
sufficient amount to cover debt charges or the financing costs	2403
related to the sales tax supported bonds as they become due;	2404
(17) Bonds or notes issued under section 133.60 of the	2405
Revised Code if the legislation authorizing issuance of the bonds	2406
or notes includes a covenant to appropriate from revenue received	2407
from a tax authorized under division (A)(9) of section 5739.026	2408
and section 5741.023 of the Revised Code an amount sufficient to	2409
pay the debt charges on the bonds or notes, and the board of	2410
county commissioners pledges that revenue for that purpose;	2411
(18) Securities issued under section 3707.55 of the Revised	2412
Code for the acquisition of real property by a general health	2413
district;	2414
(19) Securities issued under division (A)(3) of section	2415
3313.37 of the Revised Code for the acquisition of real and	2416

personal property by an educational service center; 2417

(20) Securities issued for the purpose of paying the costs of 2418
acquiring, constructing, reconstructing, renovating, 2419
rehabilitating, expanding, adding to, equipping, furnishing, or 2420
otherwise improving an arena, convention center, or a combination 2421
of an arena and convention center under section 307.695 of the 2422
Revised Code; 2423

(21) Securities issued for the purpose of paying project 2424
costs under section 307.678 of the Revised Code. 2425

(D) In calculating the net indebtedness of a county, no 2426
obligation incurred under division (F) of section 339.06 of the 2427
Revised Code shall be considered. 2428

Sec. 149.311. (A) As used in this section: 2429

(1) "Historic building" means a building, including its 2430
structural components, that is located in this state and that is 2431
either individually listed on the national register of historic 2432
places under 16 U.S.C. 470a, located in a registered historic 2433
district, and certified by the state historic preservation officer 2434
as being of historic significance to the district, or is 2435
individually listed as an historic landmark designated by a local 2436
government certified under 16 U.S.C. 470a(c). 2437

(2) "Qualified rehabilitation expenditures" means 2438
expenditures paid or incurred during the rehabilitation period, 2439
and before and after that period as determined under 26 U.S.C. 47, 2440
by an owner or qualified lessee of an historic building to 2441
rehabilitate the building. "Qualified rehabilitation expenditures" 2442
includes architectural or engineering fees paid or incurred in 2443
connection with the rehabilitation, and expenses incurred in the 2444
preparation of nomination forms for listing on the national 2445
register of historic places. "Qualified rehabilitation 2446

expenditures" does not include any of the following:	2447
(a) The cost of acquiring, expanding, or enlarging an historic building;	2448 2449
(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;	2450 2451 2452
(c) New building construction costs.	2453
(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.	2454 2455 2456 2457
(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.	2458 2459 2460 2461 2462
(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.	2463 2464 2465
(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.	2466 2467 2468 2469 2470
(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.	2471 2472 2473 2474 2475
(8) "Rehabilitation period" means one of the following:	2476

(a) If the rehabilitation initially was not planned to be 2477
completed in stages, a period chosen by the owner or qualified 2478
lessee not to exceed twenty-four months during which 2479
rehabilitation occurs; 2480

(b) If the rehabilitation initially was planned to be 2481
completed in stages, a period chosen by the owner or qualified 2482
lessee not to exceed sixty months during which rehabilitation 2483
occurs. Each stage shall be reviewed as a phase of a 2484
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 2485
successor to that section. 2486

(9) "State historic preservation officer" or "officer" means 2487
the state historic preservation officer appointed by the governor 2488
under 16 U.S.C. 470a. 2489

(10) "Catalytic project" means the rehabilitation of an 2490
historic building, the rehabilitation of which will foster 2491
economic development within two thousand five hundred feet of the 2492
historic building. 2493

(B) The owner or qualified lessee of an historic building may 2494
apply to the director of development services for a rehabilitation 2495
tax credit certificate for qualified rehabilitation expenditures 2496
paid or incurred by such owner or qualified lessee after April 4, 2497
2007, for rehabilitation of an historic building. If the owner of 2498
an historic building enters a pass-through agreement with a 2499
qualified lessee for the purposes of the federal rehabilitation 2500
tax credit under 26 U.S.C. 47, the qualified rehabilitation 2501
expenditures paid or incurred by the owner after April 4, 2007, 2502
may be attributed to the qualified lessee. 2503

The form and manner of filing such applications shall be 2504
prescribed by rule of the director. Each application shall state 2505
the amount of qualified rehabilitation expenditures the applicant 2506
estimates will be paid or incurred. The director may require 2507

applicants to furnish documentation of such estimates. 2508

The director, after consultation with the tax commissioner 2509
and in accordance with Chapter 119. of the Revised Code, shall 2510
adopt rules that establish all of the following: 2511

(1) Forms and procedures by which applicants may apply for 2512
rehabilitation tax credit certificates; 2513

(2) Criteria for reviewing, evaluating, and approving 2514
applications for certificates within the limitations under 2515
division (D) of this section, criteria for assuring that the 2516
certificates issued encompass a mixture of high and low qualified 2517
rehabilitation expenditures, and criteria for issuing certificates 2518
under division (C)(3)(b) of this section; 2519

(3) Eligibility requirements for obtaining a certificate 2520
under this section; 2521

(4) The form of rehabilitation tax credit certificates; 2522

(5) Reporting requirements and monitoring procedures; 2523

(6) Procedures and criteria for conducting cost-benefit 2524
analyses of historic buildings that are the subjects of 2525
applications filed under this section. The purpose of a 2526
cost-benefit analysis shall be to determine whether rehabilitation 2527
of the historic building will result in a net revenue gain in 2528
state and local taxes once the building is used. 2529

(7) Any other rules necessary to implement and administer 2530
this section. 2531

(C) The director of development services shall review the 2532
applications with the assistance of the state historic 2533
preservation officer and determine whether all of the following 2534
criteria are met: 2535

(1) That the building that is the subject of the application 2536
is an historic building and the applicant is the owner or 2537

qualified lessee of the building;	2538
(2) That the rehabilitation will satisfy standards prescribed	2539
by the United States secretary of the interior under 16 U.S.C.	2540
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to	2541
that section;	2542
(3) That receiving a rehabilitation tax credit certificate	2543
under this section is a major factor in:	2544
(a) The applicant's decision to rehabilitate the historic	2545
building; or	2546
(b) To increase the level of investment in such	2547
rehabilitation.	2548
An applicant shall demonstrate to the satisfaction of the	2549
state historic preservation officer and director of development	2550
services that the rehabilitation will satisfy the standards	2551
described in division (C)(2) of this section before the applicant	2552
begins the physical rehabilitation of the historic building.	2553
(D)(1) If the director of development services determines	2554
that an application meets the criteria in divisions (C)(1), (2),	2555
and (3) of this section, the director shall conduct a cost-benefit	2556
analysis for the historic building that is the subject of the	2557
application to determine whether rehabilitation of the historic	2558
building will result in a net revenue gain in state and local	2559
taxes once the building is used. The director shall consider the	2560
results of the cost-benefit analysis in determining whether to	2561
approve the application. The director shall also consider the	2562
potential economic impact and the regional distributive balance of	2563
the credits throughout the state. The director may approve an	2564
application only after completion of the cost-benefit analysis.	2565
(2) A rehabilitation tax credit certificate shall not be	2566
issued for an amount greater than the estimated amount furnished	2567
by the applicant on the application for such certificate and	2568

approved by the director. The director shall not approve more than 2569
a total of sixty million dollars of rehabilitation tax credits per 2570
fiscal year but the director may reallocate unused tax credits 2571
from a prior fiscal year for new applicants and such reallocated 2572
credits shall not apply toward the dollar limit of this division. 2573

(3) For rehabilitations with a rehabilitation period not 2574
exceeding twenty-four months as provided in division (A)~~(7)~~(8)(a) 2575
of this section, a rehabilitation tax credit certificate shall not 2576
be issued before the rehabilitation of the historic building is 2577
completed. 2578

(4) For rehabilitations with a rehabilitation period not 2579
exceeding sixty months as provided in division (A)~~(7)~~(8)(b) of 2580
this section, a rehabilitation tax credit certificate shall not be 2581
issued before a stage of rehabilitation is completed. After all 2582
stages of rehabilitation are completed, if the director cannot 2583
determine that the criteria in division (C) of this section are 2584
satisfied for all stages of rehabilitations, the director shall 2585
certify this finding to the tax commissioner, and any 2586
rehabilitation tax credits received by the applicant shall be 2587
repaid by the applicant and may be collected by assessment as 2588
unpaid tax by the commissioner. 2589

(5) The director of development services shall require the 2590
applicant to provide a third-party cost certification by a 2591
certified public accountant of the actual costs attributed to the 2592
rehabilitation of the historic building when qualified 2593
rehabilitation expenditures exceed two hundred thousand dollars. 2594

If an applicant whose application is approved for receipt of 2595
a rehabilitation tax credit certificate fails to provide to the 2596
director sufficient evidence of reviewable progress, including a 2597
viable financial plan, copies of final construction drawings, and 2598
evidence that the applicant has obtained all historic approvals 2599
within twelve months after the date the applicant received 2600

notification of approval, and if the applicant fails to provide 2601
evidence to the director that the applicant has secured and closed 2602
on financing for the rehabilitation within eighteen months after 2603
receiving notification of approval, the director may rescind the 2604
approval of the application. The director shall notify the 2605
applicant if the approval has been rescinded. Credits that would 2606
have been available to an applicant whose approval was rescinded 2607
shall be available for other qualified applicants. Nothing in this 2608
division prohibits an applicant whose approval has been rescinded 2609
from submitting a new application for a rehabilitation tax credit 2610
certificate. 2611

(6) The director of development services may approve the 2612
application of, and issue a rehabilitation tax credit certificate 2613
to, the owner of a catalytic project, provided the application 2614
otherwise meets the criteria described in divisions (C) and (D) of 2615
this section. The director may not issue more than one 2616
rehabilitation tax credit certificate under division (D)(6) of 2617
this section during each state fiscal biennium. The director shall 2618
consider the following criteria in determining whether to issue a 2619
certificate under division (D)(6) of this section: 2620

(a) Whether the historic building is a catalytic project; 2621

(b) The effect issuance of the certificate would have on the 2622
availability of credits for other applicants that qualify for a 2623
credit certificate within the credit dollar limit described in 2624
division (D)(2) of this section; 2625

(c) The number of jobs, if any, the catalytic project will 2626
create. 2627

(7)(a) The owner or qualified lessee of a historic building 2628
may apply for a rehabilitation tax credit certificate under both 2629
divisions (B) and (D)(6) of this section. In such a case, the 2630
director of development services shall consider each application 2631

at the time the application is submitted. 2632

(b) The director of development services shall not issue more 2633
than one certificate under this section with respect to the same 2634
qualified rehabilitation expenditures. 2635

(E) Issuance of a certificate represents a finding by the 2636
director of development services of the matters described in 2637
divisions (C)(1), (2), and (3) of this section only; issuance of a 2638
certificate does not represent a verification or certification by 2639
the director of the amount of qualified rehabilitation 2640
expenditures for which a tax credit may be claimed under section 2641
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 2642
Revised Code. The amount of qualified rehabilitation expenditures 2643
for which a tax credit may be claimed is subject to inspection and 2644
examination by the tax commissioner or employees of the 2645
commissioner under section 5703.19 of the Revised Code and any 2646
other applicable law. Upon the issuance of a certificate, the 2647
director shall certify to the tax commissioner, in the form and 2648
manner requested by the tax commissioner, the name of the 2649
applicant, the amount of qualified rehabilitation expenditures 2650
shown on the certificate, and any other information required by 2651
the rules adopted under this section. 2652

(F)(1) On or before the first day of April each year, the 2653
director of development services and tax commissioner jointly 2654
shall submit to the president of the senate and the speaker of the 2655
house of representatives a report on the tax credit program 2656
established under this section and sections 5725.151, 5725.34, 2657
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 2658
report shall present an overview of the program and shall include 2659
information on the number of rehabilitation tax credit 2660
certificates issued under this section during the preceding fiscal 2661
year, an update on the status of each historic building for which 2662
an application was approved under this section, the dollar amount 2663

of the tax credits granted under sections 5725.151, 5725.34, 2664
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 2665
any other information the director and commissioner consider 2666
relevant to the topics addressed in the report. 2667

(2) On or before December 1, 2015, the director of 2668
development services and tax commissioner jointly shall submit to 2669
the president of the senate and the speaker of the house of 2670
representatives a comprehensive report that includes the 2671
information required by division (F)(1) of this section and a 2672
detailed analysis of the effectiveness of issuing tax credits for 2673
rehabilitating historic buildings. The report shall be prepared 2674
with the assistance of an economic research organization jointly 2675
chosen by the director and commissioner. 2676

(G) There is hereby created in the state treasury the 2677
historic rehabilitation tax credit operating fund. The director of 2678
development services is authorized to charge reasonable 2679
application and other fees in connection with the administration 2680
of tax credits authorized by this section and sections 5725.151, 2681
5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 of the 2682
Revised Code. Any such fees collected shall be credited to the 2683
fund and used to pay reasonable costs incurred by the department 2684
of development services in administering this section and sections 2685
5725.151, 5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 2686
of the Revised Code. 2687

The Ohio historic preservation office is authorized to charge 2688
reasonable fees in connection with its review and approval of 2689
applications under this section. Any such fees collected shall be 2690
credited to the fund and used to pay administrative costs incurred 2691
by the Ohio historic preservation office pursuant to this section. 2692

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 2693
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 2694
owner of a tax credit certificate issued under division (D)(6) of 2695

this section may claim a tax credit equal to twenty-five per cent 2696
of the dollar amount indicated on the certificate for a total 2697
credit of not more than twenty-five million dollars. The credit 2698
claimed by such a certificate owner for any calendar year, tax 2699
year, or taxable year under section 5725.151, 5725.34, 5726.52, 2700
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 2701
five million dollars. If the certificate owner is eligible for 2702
more than five million dollars in total credits, the certificate 2703
owner may carry forward the balance of the credit in excess of the 2704
amount claimed for that year for not more than five ensuing 2705
calendar years, tax years, or taxable years. If the credit claimed 2706
in any calendar year, tax year, or taxable year exceeds the tax 2707
otherwise due, the excess shall be refunded to the taxpayer. 2708

Sec. 149.38. (A) Except as otherwise provided in section 2709
307.847 of the Revised Code, there is hereby created in each 2710
county a county records commission, composed of a member of the 2711
board of county commissioners as chairperson, the prosecuting 2712
attorney, the auditor, the recorder, and the clerk of the court of 2713
common pleas. The commission shall appoint a secretary, who may or 2714
may not be a member of the commission and who shall serve at the 2715
pleasure of the commission. The commission may employ an archivist 2716
or records manager to serve under its direction. The commission 2717
shall meet at least once every six months and upon the call of the 2718
chairperson. 2719

(B)(1) The functions of the county records commission shall 2720
be to provide rules for retention and disposal of records of the 2721
county, and to review applications for one-time disposal of 2722
obsolete records and schedules of records retention and 2723
disposition submitted by county offices. The commission may 2724
dispose of records pursuant to the procedure outlined in this 2725
section. The commission, at any time, may review any schedule it 2726
has previously approved and, for good cause shown, may revise that 2727

schedule, subject to division (D) of this section. 2728

(2)(a) As used in division (B)(2) of this section, "paper case records" means written reports of child abuse or neglect, written records of investigations, or other written records required to be prepared under section 2151.421, 5101.13, 5153.166, or 5153.17 of the Revised Code. 2729
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(b) A county public children services agency may submit to the county records commission applications for one-time disposal, or schedules of records retention and disposition, of paper case records that have been entered into permanently maintained and retrievable fields in the state automated child welfare information system established under section 5101.13 of the Revised Code or entered into other permanently maintained and retrievable electronic files. The county records commission may dispose of the paper case records pursuant to the procedure outlined in this section. 2734
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(C)(1) When the county records commission has approved any county application for one-time disposal of obsolete records or any schedule of records retention and disposition, the commission shall send that application or schedule to the Ohio historical society for its review. The Ohio historical society shall review the application or schedule within a period of not more than sixty days after its receipt of it. During the sixty-day review period, the Ohio historical society may select for its custody from the application for one-time disposal of obsolete records any records it considers to be of continuing historical value, and shall denote upon any schedule of records retention and disposition any records for which the Ohio historical society will require a certificate of records disposal prior to their disposal. 2744
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(2) Upon completion of its review, the Ohio historical society shall forward the application for one-time disposal of obsolete records or the schedule of records retention and 2757
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disposition to the auditor of state for the auditor's approval or 2760
disapproval. The auditor of state shall approve or disapprove the 2761
application or schedule within a period of not more than sixty 2762
days after receipt of it. 2763

(3) Before public records are to be disposed of pursuant to 2764
an approved schedule of records retention and disposition, the 2765
county records commission shall inform the Ohio historical society 2766
of the disposal through the submission of a certificate of records 2767
disposal for only the records required by the schedule to be 2768
disposed of and shall give the society the opportunity for a 2769
period of fifteen business days to select for its custody those 2770
records, from the certificate submitted, that it considers to be 2771
of continuing historical value. Upon the expiration of the 2772
fifteen-business-day period, the county records commission also 2773
shall notify the public libraries, county historical society, 2774
state universities, and other public or quasi-public institutions, 2775
agencies, or corporations in the county that have provided the 2776
commission with their name and address for these notification 2777
purposes, that the commission has informed the Ohio historical 2778
society of the records disposal and that the notified entities, 2779
upon written agreement with the Ohio historical society pursuant 2780
to section 149.31 of the Revised Code, may select records of 2781
continuing historical value, including records that may be 2782
distributed to any of the notified entities under section 149.31 2783
of the Revised Code. Any notified entity that notifies the county 2784
records commission of its intent to review and select records of 2785
continuing historical value from certificates of records disposal 2786
is responsible for the cost of any notice given and for the 2787
transportation of those records. 2788

(D) The rules of the county records commission shall include 2789
a rule that requires any receipts, checks, vouchers, or other 2790
similar records pertaining to expenditures from the delinquent tax 2791

and assessment collection fund created in section 321.261 of the Revised Code, from the real estate assessment fund created in section 325.31 of the Revised Code, or from amounts allocated for the furtherance of justice to the county sheriff under section 325.071 of the Revised Code or to the prosecuting attorney under section 325.12 of the Revised Code to be retained for at least four years.

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

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

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

(C) To exercise rights under this section, a subcontractor or

materials supplier supplying labor or materials that cost more 2823
than thirty thousand dollars, who is not in direct privity of 2824
contract with the principal contractor or design-build firm for 2825
the public improvement, shall serve a notice of furnishing upon 2826
the principal contractor or design-build firm in the form provided 2827
in section 1311.261 of the Revised Code. 2828

(D) A subcontractor or materials supplier who serves a notice 2829
of furnishing under division (C) of this section as required to 2830
exercise rights under this section has the right of recovery only 2831
as to amounts owed for labor and work performed and materials 2832
furnished during and after the twenty-one days immediately 2833
preceding service of the notice of furnishing. 2834

(E) For purposes of this section: 2835

(1) "Design-build firm" has the same meaning as in section 2836
153.65 of the Revised Code. 2837

(2) "Principal contractor" has the same meaning as in section 2838
1311.25 of the Revised Code, and may include a ~~"construction~~ 2839
~~manager" and a~~ "construction manager at risk" as defined in 2840
section 9.33 of the Revised Code. 2841

Sec. 156.03. (A) If the executive director of the Ohio 2842
facilities construction commission wishes to enter into an 2843
installment payment contract pursuant to section 156.04 of the 2844
Revised Code or any other contract to implement one or more energy 2845
or water saving measures, the executive director may proceed under 2846
Chapter 153. of the Revised Code, or, alternatively, the executive 2847
director may request the controlling board to exempt the contract 2848
from Chapter 153. of the Revised Code. 2849

A surety bond furnished pursuant to section 153.54 of the 2850
Revised Code shall not secure obligations related to energy or 2851
water savings as referenced in division (D) of this section. 2852

If the controlling board by a majority vote approves an exemption, that chapter shall not apply to the contract and instead the executive director shall request proposals from at least three parties for the implementation of the energy or water saving measures. Prior to providing any interested party a copy of any such request, the executive director shall advertise, in a newspaper of general circulation in the county where the contract is to be performed, and may advertise by electronic means pursuant to rules adopted by the executive director, the executive director's intent to request proposals for the implementation of the energy or water saving measures. The notice shall invite interested parties to submit proposals for consideration and shall be published at least thirty days prior to the date for accepting proposals.

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

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

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

(2) In the case of a contract for a cogeneration system described in division (B)(8) of section 156.01 of the Revised Code, the remaining balance of the cost of the contract shall be

paid within twenty years from the date of purchase, and, in the 2885
case of all other contracts, fifteen years. 2886

(D) If the executive director determines that a surety bond 2887
is necessary to secure energy or water savings guaranteed in the 2888
contract, the energy services company shall provide a surety bond 2889
that satisfies all of the following requirements: 2890

(1) The penal sum of the surety bond for the first guarantee 2891
year shall equal the amount of savings included in the annual 2892
guaranteed savings amount that is measured and calculated in 2893
accordance with the measurement and verification plan included in 2894
the contract, but may not include savings that are not measured or 2895
that are stipulated in the contract. The annual guaranteed savings 2896
amount shall include only the savings guaranteed in the contract 2897
for the one-year term that begins on the first day of the first 2898
savings guarantee year and may not include amounts from subsequent 2899
years. 2900

(2) The surety bond shall have a term of not more than one 2901
year unless renewed. At the option of the executive director, the 2902
surety bond may be renewed for one or two additional terms, each 2903
term not to exceed one year. The surety bond may not be renewed or 2904
extended so that it is in effect for more than three consecutive 2905
years. 2906

In the event of a renewal, the penal sum of the surety bond 2907
for each renewed year shall be revised so that the penal sum 2908
equals the annual guaranteed savings amount for such renewal year 2909
that is measured and calculated in accordance with the measurement 2910
and verification plan included in the contract, but may not 2911
include savings that are not measured or that are stipulated in 2912
the contract. Regardless of the number of renewals of the bond, 2913
the aggregate liability under each renewed bond may not exceed the 2914
penal sum stated in the renewal certificate for the applicable 2915
renewal year. 2916

(3) The surety bond for the first year shall be issued within 2917
thirty days of the commencement of the first savings guarantee 2918
year under the contract. 2919

In the event of renewal, the surety shall deliver to the 2920
executive director a renewal certificate reflecting the revised 2921
penal sum within thirty days of the executive director's request. 2922
The executive director shall deliver the request for renewal not 2923
less than thirty days prior to the expiration date of the surety 2924
bond then in existence. 2925

Sec. 163.15. (A) As soon as the agency pays to the party 2926
entitled thereto or deposits with the court the amount of the 2927
award and the costs assessed against the agency, it may take 2928
possession; provided, that this shall not be construed to limit 2929
the right of a public agency to enter and take possession, as 2930
provided in section 163.06 of the Revised Code. When the agency is 2931
entitled to possession the court shall enter an order to such 2932
effect upon the record and, if necessary, process shall be issued 2933
to place the agency in possession. Whenever a final journal entry 2934
in an appropriation proceeding, granting to this state a fee title 2935
or any lesser estate or interest in real property is filed and 2936
journalized by the clerk of courts, the clerk of courts shall 2937
forthwith transmit to the county auditor a certified copy of said 2938
final journal entry who shall transfer the property on the 2939
auditor's books and transmit said entry with proper endorsement to 2940
the county recorder for recording. The costs of filing such final 2941
journal entry with the county auditor and the county recorder 2942
shall be taxed as costs in the appropriation proceedings the same 2943
as other costs are taxed under section 163.16 of the Revised Code. 2944

(B)(1) Whenever the appropriation of real property requires 2945
the owner, a commercial tenant, or a residential tenant identified 2946
by the owner in a notice filed with the court to move or relocate, 2947

the agency shall make a payment to that person, upon proper 2948
application as approved by the agency, for all of the following: 2949

(a) Actual reasonable expenses in moving the person and the 2950
person's family, business, farm operation, or other personal 2951
property; 2952

(b) Actual direct losses of tangible personal property as a 2953
result of moving or discontinuing a business or farm operation, 2954
but not to exceed an amount equal to the reasonable expenses that 2955
would have been required to relocate such property, as determined 2956
by the agency; 2957

(c) Actual reasonable expenses in searching for a replacement 2958
business or farm, but not to exceed two thousand five hundred 2959
dollars; 2960

(d) Actual and reasonable expenses necessary to reestablish a 2961
farm, nonprofit organization, or small business at its new site, 2962
but not to exceed ~~ten~~ twenty-five thousand dollars. 2963

(2) If the agency does not approve a payment for which the 2964
owner applied under division (B)(1) of this section, the trier of 2965
fact, upon presentation of proof, shall determine whether to award 2966
a payment for the expenses described in division (B)(1) of this 2967
section and the amount of any award. The owner shall have the 2968
burden of proof with respect to those expenses. 2969

(3)(a) In addition to any payments an owner of a business may 2970
receive under division (B)(1) of this section, an owner of a 2971
business who is required by an appropriation of real property to 2972
relocate the business may recover damages for the owner's actual 2973
economic loss resulting from the appropriation, as proven by the 2974
owner by a preponderance of the evidence. Compensation for actual 2975
economic loss under this division shall not include any attorney's 2976
fees and shall not duplicate any amount awarded as compensation 2977
under this chapter. 2978

(b) The amount of compensation awarded under division 2979
(B)(3)(a) of this section shall not exceed twelve months net 2980
profit of the business on an annualized basis. Except as otherwise 2981
provided in division (B)(3)(c) of this section, if the agency is 2982
appropriating property in time of war or other public exigency 2983
imperatively requiring its immediate seizure, for the purpose of 2984
making or repairing roads that shall be open to the public without 2985
charge, for the purpose of implementing rail service under Chapter 2986
4981. of the Revised Code, or under section 307.08, 504.19, 2987
6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the 2988
result of a public exigency, or the agency is a municipal 2989
corporation that is appropriating property as a result of a public 2990
exigency, the period for which the net profit of the business is 2991
calculated shall be twelve months minus the time period from the 2992
date the agency gives the notice required by section 163.04 of the 2993
Revised Code to the date the agency deposits the value of the 2994
property with the court pursuant to section 163.06 of the Revised 2995
Code or pays that amount to the owner, but in no event shall the 2996
compensation time period be less than fifteen days. If the period 2997
on which the loss is calculated is reduced to fifteen days and the 2998
relocation is unusually complex, the owner may request the agency 2999
to increase that period by up to fifteen additional days. If the 3000
agency fails to pay the compensation as provided under division 3001
(B)(3)(a) of this section or denies the request, the owner may 3002
seek an award of such compensation pursuant to this section. 3003

(c) In case of an act of God or other public exigency that 3004
requires an immediate taking of property to protect public health 3005
or safety or in case of a voluntary conveyance, the amount of 3006
compensation awarded under division (B)(3)(a) of this section 3007
shall not exceed fifteen days net profit of the business on an 3008
annualized basis. The owner may request the agency to increase 3009
that period by up to fifteen additional days. If the agency fails 3010
to pay the compensation as provided under division (B)(3)(a) of 3011

this section or denies the request, the owner may seek an award of 3012
such compensation pursuant to this section. 3013

Sec. 163.53. (A) Whenever the acquisition of real property 3014
for a program or project undertaken by a displacing agency will 3015
result in the displacement of any person, the head of the agency 3016
shall make a payment to any displaced person, upon proper 3017
application as approved by such agency head, for all of the 3018
following: 3019

(1) Actual reasonable expenses in moving the person, the 3020
person's family, business, farm operation, or other personal 3021
property; 3022

(2) Actual direct losses of tangible personal property as a 3023
result of moving or discontinuing a business or farm operation, 3024
but not to exceed an amount equal to the reasonable expenses that 3025
would have been required to relocate such property, as determined 3026
by the head of the displacing agency; 3027

(3) Actual reasonable expenses in searching for a replacement 3028
business or farm, but not to exceed two thousand five hundred 3029
dollars; 3030

(4) Actual and reasonable expenses necessary to reestablish a 3031
displaced farm, nonprofit organization, or small business at its 3032
new site, but not to exceed ~~ten~~ twenty-five thousand dollars. 3033

(B) Any displaced person eligible for payments under division 3034
(A) of this section who is displaced from a dwelling and who 3035
elects to accept the payments authorized by this division in lieu 3036
of the payments authorized by division (A) of this section may 3037
receive an expense and dislocation allowance, determined according 3038
to a schedule established by the head of the displacing agency. 3039

(C) Any displaced person eligible for payments under division 3040
(A) of this section who is displaced from the person's place of 3041

business or from the person's farm operation may qualify for the 3042
payment authorized by this division in lieu of the payment 3043
authorized by division (A) of this section. The payment authorized 3044
by this division shall consist of a fixed payment in an amount to 3045
be determined according to criteria established by the head of the 3046
lead agency, except that such payment shall be not less than one 3047
thousand dollars nor more than ~~twenty~~ forty thousand dollars. A 3048
person whose sole business at the displacement dwelling is the 3049
rental of such property to others does not qualify for a payment 3050
under this division. 3051

(D)(1) Except as provided in section 5501.51 of the Revised 3052
Code, if a program or project undertaken by a displacing agency 3053
results in the relocation of a utility facility, and the purpose 3054
of the program or project was not to relocate or reconstruct any 3055
utility facility; and if the owner of the utility facility which 3056
is being relocated under such program or project has entered into 3057
a franchise or similar agreement with the state or local 3058
government on whose property, easement, or right-of-way such 3059
facility is located with respect to the use of such property, 3060
easement, or right-of-way; and if the relocation of such facility 3061
results in such owner incurring an extraordinary cost in 3062
connection with such relocation; then the displacing agency may, 3063
in accordance with such rules as the head of the lead agency may 3064
adopt, provide to such owner a relocation payment which may not 3065
exceed the amount of such extraordinary cost, less any increase in 3066
the value of the new utility facility above the value of the old 3067
utility facility, and less any salvage value derived from the old 3068
utility facility. 3069

(2) As used in division (D) of this section: 3070

(a) "Extraordinary cost in connection with a relocation" 3071
means any cost incurred by the owner of a utility facility in 3072
connection with relocation of such facility that is determined by 3073

the head of the displacing agency, under such rules as the head of 3074
the lead agency shall adopt, to be a nonroutine relocation 3075
expense, to be a cost that owner ordinarily does not include in 3076
its annual budget as an expense of operation, and to meet such 3077
other requirements as the lead agency may prescribe in such rules. 3078

(b) "Utility facility" means any electric, gas, water, steam 3079
power, or materials transmission or distribution system; any 3080
transportation system; any communications system, including cable 3081
television; and any fixture, equipment, or other property 3082
associated with the operation, maintenance, or repair of any such 3083
system; which is located on property owned by a state or local 3084
government or over which a state or local government has an 3085
easement or right-of-way. A utility facility may be publicly, 3086
privately, or cooperatively owned. 3087

Sec. 163.54. (A) In addition to payments otherwise authorized 3088
by sections 163.51 to 163.62 of the Revised Code, the head of the 3089
displacing agency shall make an additional payment not to exceed 3090
~~twenty-two~~ thirty-one thousand ~~five hundred~~ dollars to any 3091
displaced person who is displaced from a dwelling actually owned 3092
and occupied by ~~him~~ the displaced person for not less than ~~one~~ 3093
~~hundred-eighty~~ ninety days prior to the initiation of negotiations 3094
for the acquisition of the property. Such additional payment shall 3095
include the following elements: 3096

(1) The amount, if any, which when added to the acquisition 3097
cost of the dwelling acquired by the displacing agency, equals the 3098
reasonable cost of a comparable replacement dwelling. 3099

(2) The amount, if any, which will compensate the displaced 3100
person for any increased interest costs and other debt service 3101
costs which the person is required to pay for financing the 3102
acquisition of a comparable replacement dwelling. This amount 3103
shall be paid only if the dwelling acquired by the displacing 3104

agency was encumbered by a bona fide mortgage which was a valid 3105
lien on the dwelling for not less than ~~one hundred eighty~~ ninety 3106
days prior to the initiation of negotiations for the acquisition 3107
of the dwelling. 3108

(3) Reasonable expenses incurred by the displaced person for 3109
evidence of title, recording fees, and other closing costs 3110
incident to the purchase of the replacement dwelling, but not 3111
including prepaid expenses. 3112

(4) A rental assistance payment for a displaced person who is 3113
eligible for a replacement housing payment under this section but 3114
who elects to rent a replacement dwelling. The amount of the 3115
rental assistance payment shall be based on a determination of 3116
market rent for the acquired dwelling compared to a comparable 3117
rental dwelling available on the market in the general area of the 3118
acquired dwelling. The difference, if any, shall be computed in 3119
accordance with division (A) of section 163.55 of the Revised 3120
Code, except the limit of seven thousand two hundred dollars shall 3121
not apply. Under no circumstances shall the rental assistance 3122
payment exceed the amount that the displaced person could have 3123
received under division (A)(1) of this section. A displaced person 3124
who is eligible to receive a replacement housing payment under 3125
this section is not eligible for a down payment assistance payment 3126
described in division (B) of section 163.55 of the Revised Code. 3127

(B) The additional payment authorized by this section shall 3128
be made only to a displaced person who purchases and occupies a 3129
replacement dwelling which is decent, safe, and sanitary not later 3130
than the end of the one-year period beginning on the date on which 3131
~~he~~ the displaced person receives from the displacing agency final 3132
payment of all costs of the acquired dwelling, or on the date on 3133
which the displacing agency's obligation under division (B)(3) of 3134
section 163.56 of the Revised Code is met, whichever is later, 3135
except that the displacing agency may extend the period for good 3136

cause. If the period is extended, the payment under this section 3137
shall be based on the costs of relocating the person to a 3138
comparable replacement dwelling within one year after the 3139
displaced person receives from the displacing agency final payment 3140
of all costs of the acquired dwelling. 3141

Sec. 163.55. (A) In addition to amounts otherwise authorized 3142
by sections 163.51 to 163.62 of the Revised Code, the head of a 3143
displacing agency shall make a payment to or for any displaced 3144
person displaced from any dwelling not eligible to receive a 3145
payment under section 163.54 of the Revised Code which dwelling 3146
was actually and lawfully occupied by such displaced person for 3147
not less than ninety days prior to the initiation of negotiations 3148
for acquisition of such dwelling, or in any case in which 3149
displacement is not a direct result of acquisition, not less than 3150
ninety days prior to such other event as the head of the lead 3151
agency shall prescribe. The payment shall consist of the amount 3152
necessary to enable the displaced person to lease or rent for a 3153
period not to exceed forty-two months, a comparable replacement 3154
dwelling, but not to exceed ~~five~~ seven thousand two hundred ~~fifty~~ 3155
dollars. At the discretion of the head of the displacing agency, a 3156
payment under this division may be made in periodic installments. 3157
Computation of a payment under this division to a low-income 3158
displaced person shall take into account the person's income. 3159

(B) Any person eligible for a payment under division (A) of 3160
this section may elect to apply the payment to a down payment on, 3161
and other incidental expenses pursuant to, the purchase of a 3162
decent, safe, and sanitary replacement dwelling. The person may, 3163
under criteria established by the head of the displacing agency, 3164
be eligible under this division for the maximum payment allowed 3165
under division (A) of this section, ~~except that, in the case of a~~ 3166
~~displaced home owner who has owned and occupied the displacement~~ 3167
~~dwelling for at least ninety days but not more than one hundred~~ 3168

~~eighty days immediately prior to the initiation of negotiations 3169
for the acquisition of such dwelling, the payment shall not exceed 3170
the payment the person would otherwise have received under section 3171
163.54 of the Revised Code had the person owned and occupied the 3172
displacement dwelling one hundred eighty days immediately prior to 3173
the initiation of the negotiations. 3174~~

Sec. 164.26. (A) The director of the Ohio public works 3175
commission shall establish policies related to the need for 3176
long-term ownership, or long-term control through a lease or the 3177
purchase of an easement, of real property that is the subject of 3178
an application for a grant under sections 164.20 to 164.27 of the 3179
Revised Code and establish requirements for documentation to be 3180
submitted by grant applicants that is necessary for the proper 3181
administration of this division. The policies shall provide for 3182
proper ~~penalties, including~~ liquidated damages and grant 3183
~~repayment,~~ for entities that fail to comply with the long-term 3184
ownership or control requirements established under this division. 3185

The director also shall adopt policies delineating what 3186
constitutes administrative costs for purposes of division (F) of 3187
section 164.27 of the Revised Code. 3188

(B) The Ohio public works commission shall administer 3189
sections 164.20 to 164.27 of the Revised Code and shall exercise 3190
any authority and use any procedures granted or established under 3191
sections 164.02 and 164.05 of the Revised Code that are necessary 3192
for that purpose. 3193

Sec. 164.261. All of the following apply to any repayment of 3194
a grant awarded under sections 164.20 to 164.27 of the Revised 3195
Code: 3196

(A) The Ohio public works commission shall deposit the grant 3197
repayment into the clean Ohio conservation fund created in section 3198

<u>164.27 of the Revised Code.</u>	3199
<u>(B) The commission shall return the grant repayment to the natural resource assistance council that approved the grant application.</u>	3200 3201 3202
<u>(C) The grant repayment shall be used for the same purpose as the grant was originally approved for, as provided in section 164.22 of the Revised Code.</u>	3203 3204 3205
Sec. 173.38. (A) As used in this section:	3206
(1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer.	3207 3208 3209 3210 3211 3212
(2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.	3213 3214
(3) <u>"Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party.</u>	3215 3216
(4) <u>"Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.</u>	3217 3218 3219 3220
(4) (5) "Consumer" means an individual who receives community-based long-term care services.	3221 3222
(5) (6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	3223 3224
(6) (7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:	3225 3226
(i) In-person contact with one or more consumers;	3227

(ii) Access to one or more consumers' personal property or records.	3228 3229
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.	3230 3231 3232
(7) <u>(8)</u> "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	3233 3234 3235
(8) <u>(9)</u> "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	3236 3237 3238 3239 3240 3241
(9) <u>(10)</u> "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	3242 3243
(10) <u>(11)</u> "Provider" has the same meaning as in section 173.39 of the Revised Code.	3244 3245
(11) <u>(12)</u> "Responsible party" means the following:	3246
(a) An area agency on aging in the case of either of the following:	3247 3248
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;	3249 3250 3251 3252
(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.	3253 3254 3255 3256
(b) A PASSPORT administrative agency in the case of either of	3257

the following: 3258

(i) A person who is an applicant because the person is under 3259
final consideration for employment with the agency in a full-time, 3260
part-time, or temporary direct-care position or is referred to the 3261
agency by an employment service for such a position; 3262

(ii) A person who is an employee because the person is 3263
employed by the agency in a full-time, part-time, or temporary 3264
direct-care position or works in such a position due to being 3265
referred to the agency by an employment service. 3266

(c) A provider in the case of either of the following: 3267

(i) A person who is an applicant because the person is under 3268
final consideration for employment with the provider in a 3269
full-time, part-time, or temporary direct-care position or is 3270
referred to the provider by an employment service for such a 3271
position; 3272

(ii) A person who is an employee because the person is 3273
employed by the provider in a full-time, part-time, or temporary 3274
direct-care position or works in such a position due to being 3275
referred to the provider by an employment service. 3276

(d) A subcontractor in the case of either of the following: 3277

(i) A person who is an applicant because the person is under 3278
final consideration for employment with the subcontractor in a 3279
full-time, part-time, or temporary direct-care position or is 3280
referred to the subcontractor by an employment service for such a 3281
position; 3282

(ii) A person who is an employee because the person is 3283
employed by the subcontractor in a full-time, part-time, or 3284
temporary direct-care position or works in such a position due to 3285
being referred to the subcontractor by an employment service. 3286

~~(12)~~(e) A consumer in the case of either of the following: 3287

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position; 3288
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(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service. 3295
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(13) "Subcontractor" has the meaning specified in rules adopted under this section. 3302
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~~(13)~~(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 3304
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~~(14)~~(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 3307
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section. 3309
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(C) No responsible party shall employ an applicant or 3318

continue to employ an employee in a direct-care position if any of 3319
the following apply: 3320

(1) A review of the databases listed in division (E) of this 3321
section reveals any of the following: 3322

(a) That the applicant or employee is included in one or more 3323
of the databases listed in divisions (E)(1) to (5) of this 3324
section; 3325

(b) That there is in the state nurse aide registry 3326
established under section 3721.32 of the Revised Code a statement 3327
detailing findings by the director of health that the applicant or 3328
employee neglected or abused a long-term care facility or 3329
residential care facility resident or misappropriated property of 3330
such a resident; 3331

(c) That the applicant or employee is included in one or more 3332
of the databases, if any, specified in rules adopted under this 3333
section and the rules prohibit the responsible party from 3334
employing an applicant or continuing to employ an employee 3335
included in such a database in a direct-care position. 3336

(2) After the applicant or employee is provided, pursuant to 3337
division (F)(2)(a) of this section, a copy of the form prescribed 3338
pursuant to division (C)(1) of section 109.572 of the Revised Code 3339
and the standard impression sheet prescribed pursuant to division 3340
(C)(2) of that section, the applicant or employee fails to 3341
complete the form or provide the applicant's or employee's 3342
fingerprint impressions on the standard impression sheet. 3343

(3) Unless the applicant or employee meets standards 3344
specified in rules adopted under this section, the applicant or 3345
employee is found by a criminal records check required by this 3346
section to have been convicted of, pleaded guilty to, or been 3347
found eligible for intervention in lieu of conviction for a 3348
disqualifying offense. 3349

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

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the responsible party is prohibited by division (C)(1) of this section from employing the applicant in the direct-care position;

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

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

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

(2) The list of excluded individuals and entities maintained

by the office of inspector general in the United States department 3381
of health and human services pursuant to the "Social Security 3382
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 3383

(3) The registry of MR/DD employees established under section 3384
5123.52 of the Revised Code; 3385

(4) The internet-based sex offender and child-victim offender 3386
database established under division (A)(11) of section 2950.13 of 3387
the Revised Code; 3388

(5) The internet-based database of inmates established under 3389
section 5120.66 of the Revised Code; 3390

(6) The state nurse aide registry established under section 3391
3721.32 of the Revised Code; 3392

(7) Any other database, if any, specified in rules adopted 3393
under this section. 3394

(F)(1) As a condition of employing any applicant in a 3395
direct-care position, the chief administrator of a responsible 3396
party shall request that the superintendent of the bureau of 3397
criminal identification and investigation conduct a criminal 3398
records check of the applicant. If rules adopted under this 3399
section so require, the chief administrator of a responsible party 3400
shall request that the superintendent conduct a criminal records 3401
check of an employee at times specified in the rules as a 3402
condition of continuing to employ the employee in a direct-care 3403
position. However, the chief administrator is not required to 3404
request the criminal records check of the applicant or employee if 3405
division (G) of this section applies or the responsible party is 3406
prohibited by division (C)(1) of this section from employing the 3407
applicant or continuing to employ the employee in a direct-care 3408
position. If an applicant or employee for whom a criminal records 3409
check request is required by this section does not present proof 3410
of having been a resident of this state for the five-year period 3411

immediately prior to the date the criminal records check is 3412
requested or provide evidence that within that five-year period 3413
the superintendent has requested information about the applicant 3414
or employee from the federal bureau of investigation in a criminal 3415
records check, the chief administrator shall request that the 3416
superintendent obtain information from the federal bureau of 3417
investigation as part of the criminal records check. Even if an 3418
applicant or employee for whom a criminal records check request is 3419
required by this section presents proof of having been a resident 3420
of this state for the five-year period, the chief administrator 3421
may request that the superintendent include information from the 3422
federal bureau of investigation in the criminal records check. 3423

(2) The chief administrator shall do all of the following: 3424

(a) Provide to each applicant and employee for whom a 3425
criminal records check request is required by this section a copy 3426
of the form prescribed pursuant to division (C)(1) of section 3427
109.572 of the Revised Code and a standard impression sheet 3428
prescribed pursuant to division (C)(2) of that section; 3429

(b) Obtain the completed form and standard impression sheet 3430
from the applicant or employee; 3431

(c) Forward the completed form and standard impression sheet 3432
to the superintendent. 3433

(3) A responsible party shall pay to the bureau of criminal 3434
identification and investigation the fee prescribed pursuant to 3435
division (C)(3) of section 109.572 of the Revised Code for each 3436
criminal records check the responsible party requests under this 3437
section. A responsible party may charge an applicant a fee not 3438
exceeding the amount the responsible party pays to the bureau 3439
under this section if both of the following apply: 3440

(a) The responsible party notifies the applicant at the time 3441
of initial application for employment of the amount of the fee and 3442

that, unless the fee is paid, the applicant will not be considered 3443
for employment. 3444

(b) The medicaid program does not pay the responsible party 3445
for the fee it pays to the bureau under this section. 3446

(G) Divisions (D) to (F) of this section do not apply with 3447
regard to an applicant or employee if the applicant or employee is 3448
referred to a responsible party by an employment service that 3449
supplies full-time, part-time, or temporary staff for direct-care 3450
positions and both of the following apply: 3451

(1) The chief administrator of the responsible party receives 3452
from the employment service confirmation that a review of the 3453
databases listed in division (E) of this section was conducted of 3454
the applicant or employee. 3455

(2) The chief administrator of the responsible party receives 3456
from the employment service, applicant, or employee a report of 3457
the results of a criminal records check of the applicant or 3458
employee that has been conducted by the superintendent within the 3459
one-year period immediately preceding the following: 3460

(a) In the case of an applicant, the date of the applicant's 3461
referral by the employment service to the responsible party; 3462

(b) In the case of an employee, the date by which the 3463
responsible party would otherwise have to request a criminal 3464
records check of the employee under division (F) of this section. 3465

(H)(1) A responsible party may employ conditionally an 3466
applicant for whom a criminal records check request is required by 3467
this section prior to obtaining the results of the criminal 3468
records check if the responsible party is not prohibited by 3469
division (C)(1) of this section from employing the applicant in a 3470
direct-care position and either of the following applies: 3471

(a) The chief administrator of the responsible party requests 3472

the criminal records check in accordance with division (F) of this 3473
section not later than five business days after the applicant 3474
begins conditional employment. 3475

(b) The applicant is referred to the responsible party by an 3476
employment service, the employment service or the applicant 3477
provides the chief administrator of the responsible party a letter 3478
that is on the letterhead of the employment service, the letter is 3479
dated and signed by a supervisor or another designated official of 3480
the employment service, and the letter states all of the 3481
following: 3482

(i) That the employment service has requested the 3483
superintendent to conduct a criminal records check regarding the 3484
applicant; 3485

(ii) That the requested criminal records check is to include 3486
a determination of whether the applicant has been convicted of, 3487
pleaded guilty to, or been found eligible for intervention in lieu 3488
of conviction for a disqualifying offense; 3489

(iii) That the employment service has not received the 3490
results of the criminal records check as of the date set forth on 3491
the letter; 3492

(iv) That the employment service promptly will send a copy of 3493
the results of the criminal records check to the chief 3494
administrator of the responsible party when the employment service 3495
receives the results. 3496

(2) If a responsible party employs an applicant conditionally 3497
pursuant to division (H)(1)(b) of this section, the employment 3498
service, on its receipt of the results of the criminal records 3499
check, promptly shall send a copy of the results to the chief 3500
administrator of the responsible party. 3501

(3) A responsible party that employs an applicant 3502
conditionally pursuant to division (H)(1)(a) or (b) of this 3503

section shall terminate the applicant's employment if the results 3504
of the criminal records check, other than the results of any 3505
request for information from the federal bureau of investigation, 3506
are not obtained within the period ending sixty days after the 3507
date the request for the criminal records check is made. 3508
Regardless of when the results of the criminal records check are 3509
obtained, if the results indicate that the applicant has been 3510
convicted of, pleaded guilty to, or been found eligible for 3511
intervention in lieu of conviction for a disqualifying offense, 3512
the responsible party shall terminate the applicant's employment 3513
unless the applicant meets standards specified in rules adopted 3514
under this section that permit the responsible party to employ the 3515
applicant and the responsible party chooses to employ the 3516
applicant. Termination of employment under this division shall be 3517
considered just cause for discharge for purposes of division 3518
(D)(2) of section 4141.29 of the Revised Code if the applicant 3519
makes any attempt to deceive the responsible party about the 3520
applicant's criminal record. 3521

(I) The report of any criminal records check conducted 3522
pursuant to a request made under this section is not a public 3523
record for the purposes of section 149.43 of the Revised Code and 3524
shall not be made available to any person other than the 3525
following: 3526

(1) The applicant or employee who is the subject of the 3527
criminal records check or the applicant's or employee's 3528
representative; 3529

(2) The chief administrator of the responsible party 3530
requesting the criminal records check or the administrator's 3531
representative; 3532

(3) The administrator of any other facility, agency, or 3533
program that provides community-based long-term care services that 3534
is owned or operated by the same entity that owns or operates the 3535

responsible party that requested the criminal records check;	3536
(4) The employment service that requested the criminal records check;	3537 3538
(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;	3539 3540 3541
(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either <u>any</u> of the following apply:	3542 3543 3544
(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;	3545 3546 3547
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;	3548 3549 3550 3551
<u>(c) The criminal records check is requested by a consumer who is acting as a responsible party.</u>	3552 3553
(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	3554 3555
(a) A denial of employment of the applicant or employee;	3556
(b) Employment or unemployment benefits of the applicant or employee;	3557 3558
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	3559 3560
(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply:	3561 3562 3563 3564 3565

(1) If the responsible party employed the applicant or 3566
employee in good faith and reasonable reliance on the report of a 3567
criminal records check requested under this section, the 3568
responsible party shall not be found negligent solely because of 3569
its reliance on the report, even if the information in the report 3570
is determined later to have been incomplete or inaccurate. 3571

(2) If the responsible party employed the applicant in good 3572
faith on a conditional basis pursuant to division (H) of this 3573
section, the responsible party shall not be found negligent solely 3574
because it employed the applicant prior to receiving the report of 3575
a criminal records check requested under this section. 3576

(3) If the responsible party in good faith employed the 3577
applicant or employee because the applicant or employee meets 3578
standards specified in rules adopted under this section, the 3579
responsible party shall not be found negligent solely because the 3580
applicant or employee has been convicted of, pleaded guilty to, or 3581
been found eligible for intervention in lieu of conviction for a 3582
disqualifying offense. 3583

(K) The director of aging shall adopt rules in accordance 3584
with Chapter 119. of the Revised Code to implement this section. 3585

(1) The rules may do the following: 3586

(a) Require employees to undergo database reviews and 3587
criminal records checks under this section; 3588

(b) If the rules require employees to undergo database 3589
reviews and criminal records checks under this section, exempt one 3590
or more classes of employees from the requirements; 3591

(c) For the purpose of division (E)(7) of this section, 3592
specify other databases that are to be checked as part of a 3593
database review conducted under this section. 3594

(2) The rules shall specify all of the following: 3595

(a) The meaning of the term "subcontractor";	3596
(b) The procedures for conducting database reviews under this section;	3597 3598
(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	3599 3600 3601 3602
(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	3603 3604 3605 3606 3607
(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	3608 3609 3610 3611 3612 3613 3614
<u>Sec. 173.381.</u> (A) As used in this section:	3615
<u>(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.</u>	3616 3617 3618 3619
<u>(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.</u>	3620 3621 3622
<u>(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code.</u>	3623 3624 3625

<u>(4) "Criminal records check" has the same meaning as in</u>	3626
<u>section 109.572 of the Revised Code.</u>	3627
<u>(5) "Disqualifying offense" means any of the offenses listed</u>	3628
<u>or described in divisions (A)(3)(a) to (e) of section 109.572 of</u>	3629
<u>the Revised Code.</u>	3630
<u>(6) "Provider" has the same meaning as in section 173.39 of</u>	3631
<u>the Revised Code.</u>	3632
<u>(7) "Self-employed provider" means a provider who works for</u>	3633
<u>the provider's self and has no employees.</u>	3634
<u>(B) This section does not apply to any individual who is</u>	3635
<u>subject to a database review or criminal records check under</u>	3636
<u>section 3701.881 of the Revised Code.</u>	3637
<u>(C)(1) The department of aging or its designee shall take the</u>	3638
<u>following actions when the circumstances specified in division</u>	3639
<u>(C)(2) of this section apply:</u>	3640
<u>(a) Refuse to issue a community-based long-term care services</u>	3641
<u>certificate to a self-employed provider;</u>	3642
<u>(b) Revoke a self-employed provider's community-based</u>	3643
<u>long-term care services certificate;</u>	3644
<u>(c) Refuse to award a community-based long-term care services</u>	3645
<u>contract or grant to a self-employed provider;</u>	3646
<u>(d) Terminate a self-employed provider's community-based</u>	3647
<u>long-term care services contract or grant awarded on or after the</u>	3648
<u>effective date of this section.</u>	3649
<u>(2) The following are the circumstances that require the</u>	3650
<u>department of aging or its designee to take action under division</u>	3651
<u>(C)(1) of this section:</u>	3652
<u>(a) A review of the databases listed in division (E) of this</u>	3653
<u>section reveals any of the following:</u>	3654

(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section; 3655
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(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident; 3658
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(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database. 3664
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(b) After the self-employed provider is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the self-employed provider fails to complete the form or provide the self-employed provider's fingerprint impressions on the standard impression sheet. 3669
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(c) Unless the self-employed provider meets standards specified in rules adopted under this section, the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 3676
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(D) The department of aging or its designee shall inform each self-employed provider of both of the following at the time of the self-employed provider's initial application for a community-based long-term care services certificate or initial bid for a 3682
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community-based long-term care services contract or grant: 3686

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the department or its designee is required by division (C) of this section to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider; 3687
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(2) That, unless the database review reveals that the department or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider, a criminal records check of the self-employed provider will be conducted and the self-employed provider is required to provide a set of the self-employed provider's fingerprint impressions as part of the criminal records check. 3693
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(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following: 3702
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(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at 3715
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<u>the federal web site known as the system for award management;</u>	3718
<u>(2) The list of excluded individuals and entities maintained</u>	3719
<u>by the office of inspector general in the United States department</u>	3720
<u>of health and human services pursuant to the "Social Security</u>	3721
<u>Act," 42 U.S.C. 1320a-7 and 1320c-5;</u>	3722
<u>(3) The registry of MR/DD employees established under section</u>	3723
<u>5123.52 of the Revised Code;</u>	3724
<u>(4) The internet-based sex offender and child-victim offender</u>	3725
<u>database established under division (A)(11) of section 2950.13 of</u>	3726
<u>the Revised Code;</u>	3727
<u>(5) The internet-based database of inmates established under</u>	3728
<u>section 5120.66 of the Revised Code;</u>	3729
<u>(6) The state nurse aide registry established under section</u>	3730
<u>3721.32 of the Revised Code;</u>	3731
<u>(7) Any other database, if any, specified in rules adopted</u>	3732
<u>under this section.</u>	3733
<u>(F)(1) As a condition of issuing or awarding a</u>	3734
<u>community-based long-term care services certificate or</u>	3735
<u>community-based long-term care services contract or grant to a</u>	3736
<u>self-employed provider, the department of aging or its designee</u>	3737
<u>shall request that the superintendent of the bureau of criminal</u>	3738
<u>identification and investigation conduct a criminal records check</u>	3739
<u>of the self-employed provider. If rules adopted under this section</u>	3740
<u>so require, the department or its designee shall request that the</u>	3741
<u>superintendent conduct a criminal records check of a self-employed</u>	3742
<u>provider at times specified in the rules as a condition of not</u>	3743
<u>revoking or terminating the self-employed provider's</u>	3744
<u>community-based long-term care services certificate or</u>	3745
<u>community-based long-term care services contract or grant.</u>	3746
<u>However, the department or its designee is not required to request</u>	3747
<u>the criminal records check of the self-employed provider if the</u>	3748

department or its designee, because of circumstances specified in 3749
division (C)(2)(a) of this section, is required to refuse to issue 3750
or award a community-based long-term care services certificate or 3751
community-based long-term care services contract or grant to the 3752
self-employed provider or to revoke or terminate the self-employed 3753
provider's certificate or contract or grant. 3754

If a self-employed provider for whom a criminal records check 3755
request is required by this section does not present proof of 3756
having been a resident of this state for the five-year period 3757
immediately prior to the date the criminal records check is 3758
requested or provide evidence that within that five-year period 3759
the superintendent has requested information about the 3760
self-employed provider from the federal bureau of investigation in 3761
a criminal records check, the department or its designee shall 3762
request that the superintendent obtain information from the 3763
federal bureau of investigation as part of the criminal records 3764
check. Even if a self-employed provider for whom a criminal 3765
records check request is required by this section presents proof 3766
of having been a resident of this state for the five-year period, 3767
the department or its designee may request that the superintendent 3768
include information from the federal bureau of investigation in 3769
the criminal records check. 3770

(2) The department or its designee shall do all of the 3771
following: 3772

(a) Provide to each self-employed provider for whom a 3773
criminal records check request is required by this section a copy 3774
of the form prescribed pursuant to division (C)(1) of section 3775
109.572 of the Revised Code and a standard impression sheet 3776
prescribed pursuant to division (C)(2) of that section; 3777

(b) Obtain the completed form and standard impression sheet 3778
from the self-employed provider; 3779

(c) Forward the completed form and standard impression sheet 3780
to the superintendent. 3781

(3) The department or its designee shall pay to the bureau of 3782
criminal identification and investigation the fee prescribed 3783
pursuant to division (C)(3) of section 109.572 of the Revised Code 3784
for each criminal records check of a self-employed provider the 3785
department or its designee requests under this section. The 3786
department or its designee may charge the self-employed provider a 3787
fee that does not exceed the amount the department or its designee 3788
pays to the bureau. 3789

(G) The report of any criminal records check of a 3790
self-employed provider conducted pursuant to a request made under 3791
this section is not a public record for the purposes of section 3792
149.43 of the Revised Code and shall not be made available to any 3793
person other than the following: 3794

(1) The self-employed provider or the self-employed 3795
provider's representative; 3796

(2) The department of aging, the department's designee, or a 3797
representative of the department or its designee; 3798

(3) The medicaid director and the staff of the department of 3799
medicaid who are involved in the administration of the medicaid 3800
program if the self-employed provider is to provide, or provides, 3801
community-based long-term care services under a component of the 3802
medicaid program that the department of aging administers; 3803

(4) A court, hearing officer, or other necessary individual 3804
involved in a case dealing with any of the following: 3805

(a) A refusal to issue or award a community-based long-term 3806
services certificate or community-based long-term care services 3807
contract or grant to the self-employed provider; 3808

(b) A revocation or termination of the self-employed 3809

provider's community-based long-term care services certificate or 3810
community-based long-term care services contract or grant; 3811

(c) A civil or criminal action regarding a program the 3812
department of aging administers. 3813

(H) In a tort or other civil action for damages that is 3814
brought as the result of an injury, death, or loss to person or 3815
property caused by a self-employed provider, both of the following 3816
shall apply: 3817

(1) If the department of aging or its designee, in good faith 3818
and reasonable reliance on the report of a criminal records check 3819
requested under this section, issued or awarded a community-based 3820
long-term care services certificate or community-based long-term 3821
care services contract or grant to the self-employed provider or 3822
did not revoke or terminate the self-employed provider's 3823
certificate or contract or grant, the department and its designee 3824
shall not be found negligent solely because of its reliance on the 3825
report, even if the information in the report is determined later 3826
to have been incomplete or inaccurate. 3827

(2) If the department or its designee in good faith issued or 3828
awarded a community-based long-term care services certificate or 3829
community-based long-term care services contract or grant to the 3830
self-employed provider or did not revoke or terminate the 3831
self-employed provider's certificate or contract or grant because 3832
the self-employed provider meets standards specified in rules 3833
adopted under this section, the department and its designee shall 3834
not be found negligent solely because the self-employed provider 3835
has been convicted of, pleaded guilty to, or been found eligible 3836
for intervention in lieu of conviction for a disqualifying 3837
offense. 3838

(I) The director of aging shall adopt rules in accordance 3839
with Chapter 119. of the Revised Code to implement this section. 3840

<u>(1) The rules may do the following:</u>	3841
<u>(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;</u>	3842 3843 3844 3845 3846
<u>(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, exempt one or more classes of such self-employed providers from the requirements;</u>	3847 3848 3849 3850 3851 3852
<u>(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.</u>	3853 3854 3855
<u>(2) The rules shall specify all of the following:</u>	3856
<u>(a) The procedures for conducting database reviews under this section;</u>	3857 3858
<u>(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;</u>	3859 3860 3861 3862 3863 3864
<u>(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed</u>	3865 3866 3867 3868 3869 3870 3871

provider is found by a database review to be included in one or 3872
more of those databases; 3873

(d) Standards that a self-employed provider must meet for the 3874
department or its designee to be permitted to issue or award a 3875
community-based long-term care services certificate or 3876
community-based long-term care services contract or grant to the 3877
self-employed provider or not to revoke or terminate the 3878
self-employed provider's certificate or contract or grant if the 3879
self-employed provider is found by a criminal records check 3880
required by this section to have been convicted of, pleaded guilty 3881
to, or been found eligible for intervention in lieu of conviction 3882
for a disqualifying offense. 3883

Sec. 173.391. (A) The Subject to section 173.381 of the 3884
Revised Code, the department of aging or its designee shall do all 3885
of the following in accordance with Chapter 119. of the Revised 3886
Code: 3887

(1) Certify a provider to provide community-based long-term 3888
care services under a program the department administers if the 3889
provider satisfies the requirements for certification established 3890
by rules adopted under division (B) of this section and pays the 3891
fee, if any, established by rules adopted under division (G) of 3892
this section; 3893

(2) When required to do so by rules adopted under division 3894
(B) of this section, take one or more of the following 3895
disciplinary actions against a provider certified under division 3896
(A)(1) of this section: 3897

(a) Issue a written warning; 3898

(b) Require the submission of a plan of correction or 3899
evidence of compliance with requirements identified by the 3900
department; 3901

(c) Suspend referrals;	3902
(d) Remove clients;	3903
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	3904 3905
(f) Suspend the certification;	3906
(g) Revoke the certification;	3907
(h) Impose another sanction.	3908
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	3909 3910 3911 3912 3913 3914
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:	3915 3916 3917 3918 3919 3920
(1) Ensuring that providers comply with section <u>sections</u> 173.38 <u>and 173.381</u> of the Revised Code;	3921 3922
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	3923 3924 3925
(3) Determining <u>In a manner consistent with section 173.381</u> <u>of the Revised Code, determining</u> when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;	3926 3927 3928 3929
(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.	3930 3931

(C) The procedures established in rules adopted under 3932
division (B)(2) of this section shall require that all of the 3933
following be considered as part of an evaluation described in 3934
division (B)(2) of this section: 3935

(1) The provider's experience and financial responsibility; 3936

(2) The provider's ability to comply with standards for the 3937
community-based long-term care services that the provider provides 3938
under a program the department administers; 3939

(3) The provider's ability to meet the needs of the 3940
individuals served; 3941

(4) Any other factor the director considers relevant. 3942

(D) The rules adopted under division (B)(3) of this section 3943
shall specify that the reasons disciplinary action may be taken 3944
under division (A)(2) of this section include good cause, 3945
including misfeasance, malfeasance, nonfeasance, confirmed abuse 3946
or neglect, financial irresponsibility, or other conduct the 3947
director determines is injurious, or poses a threat, to the health 3948
or safety of individuals being served. 3949

(E) Subject to division (F) of this section, the department 3950
is not required to hold hearings under division (A)(3) of this 3951
section if any of the following conditions apply: 3952

(1) Rules adopted by the director of aging pursuant to this 3953
chapter require the provider to be a party to a provider 3954
agreement; hold a license, certificate, or permit; or maintain a 3955
certification, any of which is required or issued by a state or 3956
federal government entity other than the department of aging, and 3957
either of the following is the case: 3958

(a) The provider agreement has not been entered into or the 3959
license, certificate, permit, or certification has not been 3960
obtained or maintained. 3961

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) ~~The provider or a~~ A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

~~(e)~~(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

~~(f)~~(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

~~(g)~~(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

~~(h)~~(i) The provider has ceased doing business.

~~(i)~~(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under division (C) of section 5164.37 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.37 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department proposes to take under division (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the

department and may be sent by regular mail. 4024

(G) The director of aging may adopt rules in accordance with 4025
Chapter 119. of the Revised Code establishing a fee to be charged 4026
by the department of aging or its designee for certification 4027
issued under this section. 4028

All fees collected by the department or its designee under 4029
this section shall be deposited in the state treasury to the 4030
credit of the provider certification fund, which is hereby 4031
created. Money credited to the fund shall be used to pay for 4032
community-based long-term care services, administrative costs 4033
associated with provider certification under this section, and 4034
administrative costs related to the publication of the Ohio 4035
long-term care consumer guide. 4036

Sec. 173.392. (A) The department of aging may pay a provider 4037
for providing community-based long-term care services under a 4038
program the department administers, even though the provider is 4039
not certified under section 173.391 of the Revised Code, if all of 4040
the following are the case: 4041

(1) The provider has a contract with the department of aging 4042
or the department's designee to provide the services in accordance 4043
with the contract or has received a grant from the department or 4044
its designee to provide the services in accordance with a grant 4045
agreement; 4046

(2) The contract or grant agreement includes detailed 4047
conditions of participation for the provider and service standards 4048
that the provider is required to satisfy; 4049

(3) The provider complies with the contract or grant 4050
agreement; 4051

(4) The contract or grant is not for medicaid-funded 4052
services, other than services provided under the PACE program 4053

administered by the department of aging under section 173.50 of 4054
the Revised Code. 4055

(B)(1) The director of aging shall adopt rules in accordance 4056
with Chapter 119. of the Revised Code governing both of the 4057
following: 4058

~~(1)~~(a) Contracts and grant agreements between the department 4059
of aging or its designee and providers; 4060

~~(2)~~(b) The department's payment for community-based long-term 4061
care services under this section. 4062

(2) The rules adopted under this section shall be consistent 4063
with section 173.381 of the Revised Code. 4064

Sec. 173.47. (A) For purposes of publishing the Ohio 4065
long-term care consumer guide, the department of aging shall 4066
conduct or provide for the conduct of an annual customer 4067
satisfaction survey of each long-term care facility. The results 4068
of the surveys may include information obtained from long-term 4069
care facility residents, their families, or both. A survey that is 4070
to include information obtained from nursing facility residents 4071
shall include the questions specified in divisions (C)(7)(a) and 4072
(b) ~~and (18) and (D)(7)(a) and (b)~~ of section 5165.25 of the 4073
Revised Code. A survey that is to include information obtained 4074
from the families of nursing facility residents shall include the 4075
questions specified in divisions (C)(8)(a) and (b) ~~and (19) and~~ 4076
~~(D)(8)(a) and (b)~~ of section 5165.25 of the Revised Code. 4077

(B) Each long-term care facility shall cooperate in the 4078
conduct of its annual customer satisfaction survey. 4079

Sec. 175.04. (A) The governor shall appoint a chairperson 4080
from among the members. The agency members shall elect a member as 4081
vice-chairperson. The agency members may appoint other officers, 4082
who need not be members of the agency, as the agency deems 4083

necessary. 4084

(B) Six members of the agency constitute a quorum and the 4085
affirmative vote of six members is necessary for any action the 4086
agency takes. No vacancy in agency membership impairs the right of 4087
a quorum to exercise all of the agency's rights and perform all 4088
the agency's duties. Agency meetings may be held at any place 4089
within the state. Meetings shall comply with section 121.22 of the 4090
Revised Code. 4091

(C) The agency shall maintain accounting records in 4092
accordance with generally accepted accounting principals and other 4093
required accounting standards. 4094

(D) The agency shall develop policies and guidelines for the 4095
administration of its programs and annually shall conduct at least 4096
one public hearing to obtain input from any interested party 4097
regarding the administration of its programs. The hearing shall be 4098
held at a time and place as the agency determines and when a 4099
quorum of the agency is present. 4100

(E) The agency shall appoint committees and subcommittees 4101
comprised of members of the agency to handle matters it deems 4102
appropriate. 4103

(1) The agency shall adopt an annual plan to address this 4104
state's housing needs. The agency shall appoint an annual plan 4105
committee to develop the plan and present it to the agency for 4106
consideration. 4107

(2) The annual plan committee shall select an advisory board 4108
from a list of interested individuals the executive director 4109
provides or on its own recommendation. The advisory board shall 4110
provide input on the plan at committee meetings prior to the 4111
annual public hearing. At the public hearing, the committee shall 4112
discuss advisory board comments. The advisory board may include, 4113
but is not limited to, persons who represent state agencies, local 4114

governments, public corporations, nonprofit organizations, 4115
community development corporations, housing advocacy organizations 4116
for low- and moderate-income persons, realtors, syndicators, 4117
investors, lending institutions as recommended by a statewide 4118
banking organization, and other entities participating in the 4119
agency's programs. 4120

Each agency program that allows for loans to be made to 4121
finance housing for owner occupancy that benefits other than low- 4122
and moderate-income households, or for loans to be made to 4123
individuals under bonds issued pursuant to division (B) of section 4124
175.08 of the Revised Code, shall be presented to the advisory 4125
board and included in the annual plan as approved by the agency 4126
before the program's implementation. 4127

(F) The agency shall prepare an annual financial report 4128
describing its activities during the reporting year and submit 4129
that report in accordance with division (H) of this section and to 4130
the governor, the speaker of the house of representatives, and the 4131
president of the senate within three months after the end of the 4132
reporting year. The report shall include the agency's audited 4133
financial statements, prepared in accordance with generally 4134
accepted accounting principles and appropriate accounting 4135
standards. 4136

(G) The agency shall prepare an annual report of its programs 4137
describing how the programs have met this state's housing needs. 4138
The agency shall submit the report in accordance with division (H) 4139
of this section and to the governor, the speaker of the house of 4140
representatives, and the president of the senate within three 4141
months after the end of the reporting year. 4142

(H)(1) The agency shall submit, within a time frame agreed to 4143
by the agency and the chairs, the annual financial report 4144
described in division (F) of this section and the annual report of 4145
programs described in division (G) of this section to the chairs 4146

of the committees dealing with housing issues in the house of 4147
representatives and the senate. 4148

(2) Within forty-five days of issuance of the annual 4149
financial report, the agency's executive director shall request to 4150
appear in person before the committees described in division 4151
(H)(1) of this section to testify in regard to the financial 4152
report and the report of programs. The testimony shall include 4153
each of the following: 4154

(a) An overview of the annual plan adopted pursuant to 4155
division (E)(1) of this section; 4156

(b) An evaluation of whether the objectives in the annual 4157
plan were met through a comparison of the annual plan with the 4158
annual financial report and report of programs; 4159

(c) A complete listing by award and amount of all business 4160
and contractual relationships in excess of one hundred thousand 4161
dollars between the agency and other entities and organizations 4162
that participated in agency programs during the fiscal year 4163
reported by the agency's annual financial report and report of 4164
programs; 4165

(d) A complete listing by award and amount of the low-income 4166
housing tax credit syndication and direct investor entities for 4167
projects that received tax credit reservations and IRS Form 8609 4168
during the fiscal year. 4169

Sec. 175.05. (A) The Ohio housing finance agency shall do all 4170
of the following related to the agency's operation: 4171

(1) Adopt bylaws for the conduct of its business; 4172

(2) Employ and fix the compensation of ~~an~~ the executive 4173
director who serves at the pleasure of the agency to administer 4174
the agency's programs and activities. The executive director may 4175
employ and fix the compensation of employees in the unclassified 4176

civil service as necessary to carry out this chapter and may 4177
employ other personnel who are governed by collective bargaining 4178
law and classified under that law. The executive director shall 4179
~~file financial disclosure statements~~ carry out all duties as 4180
described in section ~~102.02~~ 175.053 of the Revised Code. 4181

(3) Establish an operating budget for the agency and 4182
administer funds appropriated for the agency's use; 4183

(4) Notwithstanding any other provision of the Revised Code, 4184
hold all moneys, funds, properties, and assets the agency acquires 4185
or that are directly or indirectly within the agency's control, 4186
including proceeds from the sale of bonds, revenues, and 4187
otherwise, in trust for the purpose of exercising its powers and 4188
carrying out its duties pursuant to this chapter. Notwithstanding 4189
any other provision of the Revised Code other than section 175.051 4190
of the Revised Code, at no time shall the agency's moneys, funds, 4191
properties, or assets be considered public moneys, public funds, 4192
public properties, or public assets or subject to Chapters 131. 4193
and 135. of the Revised Code. 4194

(5) Maintain a principal office and other offices within the 4195
state. 4196

(B) The Ohio housing finance agency may do any of the 4197
following related to the agency's operation: 4198

(1) Except as otherwise provided in section 174.04 of the 4199
Revised Code, determine income limits for low- and moderate-income 4200
persons and establish periodic reviews of income limits. In 4201
determining income limits, the agency shall take into 4202
consideration the amount of income available for housing, family 4203
size, the cost and condition of available housing, ability to pay 4204
the amounts the private market charges for decent, safe, and 4205
sanitary housing without federal subsidy or state assistance, and 4206
the income eligibility standards of federal programs. Income 4207

limits may vary from area to area within the state.	4208
(2) Provide technical information, advice, and assistance related to obtaining federal and state aid to assist in the planning, construction, rehabilitation, refinancing, and operation of housing;	4209 4210 4211 4212
(3) Provide information, assistance, or instruction concerning agency programs, eligibility requirements, application procedures, and other related matters;	4213 4214 4215
(4) Procure or require the procurement of insurance and pay the premium against loss in connection with the agency's operations, to include the repayment of a loan, in amounts and from insurers, including the federal government, as the agency determines;	4216 4217 4218 4219 4220
(5) Contract with, retain, or designate financial consultants, accountants, and other consultants and independent contractors, other than attorneys, whom the agency determines are necessary or appropriate;	4221 4222 4223 4224
(6) Charge, alter, and collect interest and other charges for program services including, but not limited to, the allocation of loan funds, the purchase of mortgage loans, and the provision of services that include processing, inspecting, and monitoring of housing units financed and the financial records for those units;	4225 4226 4227 4228 4229
(7) Conduct or authorize studies and analyses of housing needs and conditions to the extent that those activities are not carried out by other agencies in a manner that is satisfactory for the agency's needs;	4230 4231 4232 4233
(8)(a) Acquire by gift, purchase, foreclosure, investment, or other means, and hold, assign, pledge, lease, transfer, or otherwise dispose of real and personal property or any interest in that property in the exercise of its powers and the performance of its duties;	4234 4235 4236 4237 4238

(b) Any instrument by which real property is acquired 4239
pursuant to this section shall identify the state agency that has 4240
the use and benefit of the real property as specified in section 4241
5301.012 of the Revised Code. 4242

(9)(a) Borrow money, receive gifts, grants, loans, or other 4243
assistance from any federal, state, local, or other government 4244
source, including the housing development fund and the housing 4245
trust fund, and enter into contracts in connection with those 4246
sources of assistance; 4247

(b) Receive assistance or contributions from any 4248
nongovernment source to include money, property, labor, or things 4249
of value, to be held, used, and applied only for the purposes for 4250
which the grants and contributions are made and within the 4251
purposes of this chapter. 4252

(10) Sue and be sued in its own name with respect to its 4253
contracts, obligations, and covenants, or the enforcement of this 4254
chapter. Any actions against the agency shall be brought in a 4255
court of competent jurisdiction located in Franklin county, Ohio. 4256

(11) Enter into any contract, commitment, or agreement and 4257
execute any instrument necessary or incidental to the performance 4258
of duties and the execution of powers; 4259

(12) Adopt an official seal; 4260

(13)(a) Contract with any private or government entity to 4261
administer programs for which the agency receives sufficient 4262
revenues for its services or the agency supports with uncommitted 4263
agency resources that pay the agency's operating costs; 4264

(b) Administer state and federal programs for which the 4265
governor designates the agency to act as administrator. The agency 4266
may charge administrative fees to the state, the federal 4267
government, or a program recipient. 4268

(14) Notwithstanding any other provision of the Revised Code, establish, maintain, administer, and close funds and accounts as convenient or appropriate to the agency's operations;	4269 4270 4271
(15) Establish a policy to permit the investment of agency funds in securities and obligations;	4272 4273
(16) Establish rules and procedures that the agency determines are appropriate to appeal the agency's actions and decisions;	4274 4275 4276
(17) Serve housing needs in instances that the agency determines necessary as a public purpose;	4277 4278
(18) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;	4279 4280
(19) Adopt rules pursuant to Chapter 119. of the Revised Code;	4281 4282
(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.	4283 4284 4285 4286
(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.	4287 4288 4289 4290
<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>	4291 4292 4293
<u>(A) File financial disclosure statements as described in section 102.02 of the Revised Code;</u>	4294 4295
<u>(B) Ensure policies and procedures are developed and maintained for the operation and administration of the agency's</u>	4296 4297

programs and activities that encourage competition and minimize 4298
concentration. Policies and procedures shall address all 4299
applicable requirements described in the Revised Code and federal 4300
regulations. 4301

(C) Provide an update, during the testimony described in 4302
division (H)(2) of section 175.04 of the Revised Code, on any 4303
audits performed during the fiscal year. 4304

Sec. 175.06. (A) The Ohio housing finance agency shall do all 4305
of the following related to carrying out its programs: 4306

(1) Upon the governor's designation, serve as the housing 4307
credit agency for the state and perform all responsibilities of a 4308
housing credit agency pursuant to Section 42 of the Internal 4309
Revenue Code and similar applicable laws; 4310

(2) Require that housing that benefits from the agency's 4311
assistance be available without discrimination in accordance with 4312
Chapter 4112. of the Revised Code and applicable provisions of 4313
federal law; 4314

(3) Demonstrate measurable and objective transparency; 4315

(4) Efficiently award funding to maximize affordable housing 4316
production using cost-effective strategies; 4317

(5) Encourage national equity investment in low-income 4318
housing tax credit projects; 4319

(6) Utilize resources to provide competitive homebuyer 4320
programs to serve low- and moderate-income persons. 4321

(B) The Ohio housing finance agency may do any of the 4322
following related to carrying out its programs: 4323

(1) Issue bonds, provide security for assets, make deposits, 4324
purchase or make loans, provide economic incentives for the 4325
development of housing, and provide financial assistance for 4326

emergency housing; 4327

(2) Serve as a public housing agency and contract with the 4328
United States department of housing and urban development to 4329
administer the department's rent subsidy program, housing subsidy 4330
program, and monitoring programs for low- and moderate-income 4331
persons. The agency shall ensure that any contract into which it 4332
enters provides for sufficient compensation to the agency for its 4333
services. 4334

(3) Develop and administer programs under which the agency 4335
uses moneys from the housing trust fund as allocated by the 4336
department of development to extend financial assistance pursuant 4337
to sections 174.01 to 174.07 of the Revised Code; 4338

(4) Make financial assistance available; 4339

(5) Guarantee and commit to guarantee the repayment of 4340
financing that a lending institution extends for housing, 4341
guaranteeing that debt with any of the agency's reserve funds not 4342
raised by taxation and not otherwise obligated for debt service, 4343
including the housing development fund established pursuant to 4344
section 175.11 of the Revised Code and any fund created under 4345
division (B)(14) of section 175.05 of the Revised Code; 4346

(6) Make, commit to make, and participate in making financial 4347
assistance, including federally insured mortgage loans, available 4348
to finance the construction and rehabilitation of housing or to 4349
refinance existing housing; 4350

(7) Invest in, purchase, and take from lenders the assignment 4351
of notes or other evidence of debt including federally insured 4352
mortgage loans, or participate with lenders in notes and loans for 4353
homeownership, development, or refinancing of housing; 4354

(8) Sell at public or private sale any mortgage or mortgage 4355
backed securities the agency holds; 4356

(9) Issue bonds to carry out the agency's purposes as set forth in this chapter;	4357 4358
(10) Extend or otherwise make available housing assistance on terms the agency determines.	4359 4360
(C) The Ohio housing finance agency may issue bonds and extend financial assistance from any fund the agency administers for the prompt replacement, repair, or refinancing of damaged housing if both of the following apply:	4361 4362 4363 4364
(1) The governor declares that a state of emergency exists with respect to a county, region, or political subdivision of this state, or declares that a county, region, or political subdivision has experienced a disaster as defined in section 5502.21 of the Revised Code.	4365 4366 4367 4368 4369
(2) The agency determines that the emergency or disaster has substantially damaged or destroyed housing in the area of the emergency or disaster.	4370 4371 4372
(D) The agency shall establish guidelines for extending financial assistance for emergency housing. The guidelines shall include eligibility criteria for assistance and the terms and conditions under which the agency may extend financial assistance.	4373 4374 4375 4376
Sec. 191.01. As used in this chapter:	4377
(A) "Administrative safeguards," "availability," "confidentiality," "integrity," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.	4378 4379 4380 4381
(B) "Business associate," "covered entity," "health plan," "individually identifiable health information," and "protected health information" have the same meanings as in 45 C.F.R. 160.103.	4382 4383 4384 4385
(C) "Executive director of the office of health	4386

transformation" or "executive director" means the executive 4387
director of the office of health transformation or the chief 4388
administrative officer of a successor governmental entity 4389
responsible for health system oversight in this state. 4390

(D) "Government program providing public benefits" means any 4391
program administered by a state agency that has been identified, 4392
pursuant to section 191.02 of the Revised Code, by the executive 4393
director of the office of health transformation in consultation 4394
with the individuals specified in that section. 4395

(E) "Office of health transformation" means the office of 4396
health transformation created by executive order 2011-02K. 4397

(F) "Operating protocol" means a protocol adopted by the 4398
executive director of the office of health transformation or the 4399
executive director's designee under division (D) of section 191.06 4400
of the Revised Code. 4401

(G) "Participating agency" means a state agency that 4402
participates in a health transformation initiative as specified in 4403
the one or more operating protocols adopted for the initiative 4404
under division (D) of section 191.06 of the Revised Code. 4405

(H) "Personally identifiable information" means information 4406
that meets both of the following criteria: 4407

(1) It identifies an individual or there is a reasonable 4408
basis to believe that it may be used to identify an individual; 4409

(2) It relates to an individual's eligibility for, 4410
application for, or receipt of public benefits from a government 4411
program providing public benefits. 4412

(I) "State agency" means each of the following: 4413

(1) The department of administrative services; 4414

(2) The department of aging; 4415

(3) The development services agency; 4416

- (4) The department of developmental disabilities; 4417
- (5) The department of education; 4418
- (6) The department of health; 4419
- (7) The department of insurance; 4420
- (8) The department of job and family services; 4421
- (9) The department of medicaid; 4422
- (10) The department of mental health and addiction services; 4423
- (11) The department of rehabilitation and correction; 4424
- (12) The department of taxation; 4425
- (13) The department of veterans services; 4426
- (14) The department of youth services; 4427
- (15) The opportunities for Ohioans with disabilities agency. 4428
- (J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2. 4429

Sec. 193.01. The general assembly finds that the presence and 4430
stability of federal-military installations and the associated 4431
private industry and higher education collaborations that occur 4432
within the state preserves existing jobs, creates new jobs and 4433
employment opportunities, improves the economic welfare of the 4434
people of the state, and materially contributes to regional 4435
economic stability in the area of their locations. Therefore, it 4436
is declared to be the public policy of the state to assist in and 4437
facilitate public or private partnerships that would aid in the 4438
retention and growth in the active federal and military missions 4439
and agencies located in the state. 4440

Sec. 193.03. (A) There is hereby created the federal-military 4441
jobs commission to develop and maintain an ongoing strategy for 4442
retention and growth of federal-military agencies and missions and 4443

associated private sector jobs in the state. 4444
4445

(B) The commission shall consist of the following members, 4446
none of whom may be an elected official of the state: 4447

(1) Three members appointed by the president of the senate; 4448

(2) Three members appointed by the speaker of the house of 4449
representatives; 4450

(3) Three members appointed by the governor. 4451

(C)(1) Initial appointments to the commission shall be made 4452
not later than October 1, 2014. Members shall serve one-year 4453
terms. 4454

(2) Members may be reappointed to the commission. Vacancies 4455
on the commission shall be filled in the same manner as the 4456
original appointments. 4457

(3) Members serve at the pleasure of, and may be removed for 4458
just cause by, the member's appointing authority. 4459

(4) Qualifications for an individual's appointment to the 4460
commission may include, but are not limited to, any of the 4461
following service or employment experience: 4462

(a) Former service as a military officer; 4463

(b) Civilian service in an executive leadership position in a 4464
federal-military agency; 4465

(c) Experience as an executive in a related business or 4466
industry; 4467

(d) Employment in academia or higher education; 4468

(e) Experience in commercialization and privatization of 4469
research and technology. 4470

(D) The first person appointed by the president of the senate 4471

shall schedule the first meeting of the commission. At the first 4472
meeting, the commission shall select a chairperson from among its 4473
members. After the first meeting, the commission shall meet at 4474
least once during each quarter at the call of the chairperson or 4475
upon the request of a majority of the commission's members. A 4476
majority of the commission constitutes a quorum, and no action 4477
shall be taken without the concurrence of a majority of the 4478
members. 4479

(E) The adjutant general shall provide administrative 4480
assistance to the commission, including office space and 4481
facilities for the commission. 4482

(F) The commission shall administer any money that may be 4483
appropriated to it by the general assembly. 4484

(G) Commission members shall serve without compensation, but 4485
shall be reimbursed for actual and necessary expenses incurred in 4486
the performance of commission duties. 4487

(H) The attorney general shall serve as the legal 4488
representative for the commission and may appoint special counsel 4489
as necessary for that purpose in accordance with section 109.07 of 4490
the Revised Code. 4491

(I) The commission may employ professional, technical, and 4492
clerical employees as are necessary for the commission to be able 4493
to successfully and efficiently perform its duties. All such 4494
employees are in the unclassified service and serve at the 4495
commission's pleasure. The commission may contract for the 4496
services of persons who are qualified by education and experience 4497
to advise, consult with, or otherwise assist the commission in the 4498
performance of its duties. 4499

Sec. 193.05. (A) The federal-military jobs commission shall 4500
be responsible for the furtherance and implementation of 4501

federal-military installation jobs and any programs under this 4502
chapter. The federal-military jobs commission shall do the 4503
following: 4504

(1) Develop and recommend strategies that support and foster 4505
collaboration among local and regional entities to identify 4506
appropriate opportunities for the protection of existing 4507
federal-military facilities and the placement of additional 4508
federal-military facilities in the state; 4509

(2) For facilities located in the state, maintain a current 4510
listing of all facilities of the federal government, including 4511
military, national security, and national aeronautics and space 4512
administration facilities, Ohio national guard facilities, and 4513
related state and federal facilities, including their master 4514
plans; 4515

(3) Make recommendations, as appropriate, to prepare the 4516
state to effectively compete in future and ongoing federal budget 4517
reduction processes; 4518

(4) For the purpose of formulating strategies to secure the 4519
long-term viability, retention, and growth of military missions 4520
and facilities in the state, direct and review studies by experts 4521
that have utilized past base realignment and closure criteria and 4522
scoring to conduct a thorough and detailed analysis of the 4523
military value of the state's military installations, ranges, and 4524
airspace; 4525

(5) Review the scoring criteria from any previous federal 4526
defense base closure and realignment commission's processes to 4527
determine the following: 4528

(a) The strengths and weaknesses of the state relative to 4529
competing installations and facilities, which shall include an 4530
analysis of military value 1-4 attributes, metrics and criteria 4531

such as airspace attributes, encroachment, air traffic control 4532
restrictions, area cost factors, and area weather; 4533

(b) The opportunities for increasing the military value of 4534
federal-military operations in the state that still exist after a 4535
previous federal defense base closure and realignment commission 4536
process. 4537

(6) Provide an ongoing examination of federal agency 4538
construction, including construction for the military, for 4539
homeland security, and for the national aeronautics and space 4540
administration, and related operations budget requests relative to 4541
the infrastructure plans of federal-military agencies and 4542
facilities; 4543

(7) Access and review long-range military construction plans, 4544
associated costs, and timelines as made available by federal 4545
government agencies; 4546

(8) Recommend a public-private partnership for services 4547
specified by the commission that include, but are not limited to, 4548
energy services, internet connectivity, snow removal, fire 4549
service, waste management, library services, day care center 4550
services, security services, and services opportunities to lower 4551
the cost of operations at federal-military installations in the 4552
state; 4553

(9) Examine the roles and responsibilities of general 4554
aviation at airports located in the state and develop and 4555
recommend local and federal programs to assist the state's 4556
installations and facilities related to municipal airport 4557
agreements and the federal airport improvement program; 4558

(10) Review and develop joint base and infrastructure plans 4559
for improving proximity to training areas, consolidating training 4560
centers, and determining alternatives that may exist in current 4561
federal military construction programs for shared services and 4562

<u>shared savings opportunities;</u>	4563
<u>(11) Evaluate plans for federal agencies and local</u>	4564
<u>communities that address excess capacity of buildings, developed</u>	4565
<u>land, and land available for development;</u>	4566
<u>(12) Evaluate enhanced use lease opportunities made available</u>	4567
<u>to federal-military entities in Ohio;</u>	4568
<u>(13) Recommend to the general assembly future programs that</u>	4569
<u>may enhance the state's ability to compete for the retention and</u>	4570
<u>creation of job opportunities related to federal-military</u>	4571
<u>facilities and infrastructure in the state;</u>	4572
<u>(14) In consultation with other state agencies, develop</u>	4573
<u>programs that utilize federal and higher education research</u>	4574
<u>initiatives to commercialize and privatize products to private</u>	4575
<u>sector companies in the state;</u>	4576
<u>(15) Develop programs that create a statewide response to the</u>	4577
<u>federal initiatives that make contracts available to small</u>	4578
<u>businesses and veteran-owned Ohio businesses;</u>	4579
<u>(16) Develop programs and initiatives to promote career</u>	4580
<u>awareness and readiness for, and job placement with,</u>	4581
<u>federal-military jobs and other private sector employer jobs in</u>	4582
<u>the state.</u>	4583
<u>(B) The commission shall adopt internal rules and policies to</u>	4584
<u>implement any of the provisions of this chapter applicable to the</u>	4585
<u>commission.</u>	4586
<u>(C) Except as otherwise prescribed in this chapter, all</u>	4587
<u>expenses incurred by the commission in carrying out the</u>	4588
<u>commission's powers and in exercising the commission's duties</u>	4589
<u>under this chapter, shall be payable solely from, as appropriate,</u>	4590
<u>moneys in the federal-military jobs fund. This chapter does not</u>	4591
<u>authorize the commission to incur bonded indebtedness of the state</u>	4592

or any political subdivision thereof, or to obligate or pledge 4593
moneys raised by taxation for the payment of any guarantees made 4594
pursuant to this chapter. 4595

(D) Government agencies of the state shall cooperate with and 4596
provide assistance to the commission and the controlling board in 4597
the exercise of their respective functions under this chapter. 4598

Sec. 193.07. There is hereby created in the state treasury 4599
the federal-military jobs fund. The fund shall consist of moneys 4600
appropriated to it by the general assembly. 4601

Sec. 193.09. Not later than the first day of April in 2015, 4602
the federal-military jobs commission shall submit a report to the 4603
governor, the president and minority leader of the senate, and the 4604
speaker and minority leader of the house of representatives that 4605
outlines the commission's activities for the preceding year, 4606
including findings and evaluations under divisions (A)(1) to (6) 4607
of section 193.05 of the Revised Code. 4608

Sec. 306.04. (A) Except as otherwise provided in division (B) 4609
of this section, employees of a county transit board or a board of 4610
county commissioners operating a transit system are employees of 4611
the county. If the system is operated by the board of county 4612
commissioners, the board shall appoint an executive director, who 4613
shall be in the unclassified service. 4614

(B) Any county transit board that established its own civil 4615
service organization and procedure prior to October 25, 1995, 4616
shall continue to operate under that organization. Appointments 4617
and promotions in that system shall be made, as far as 4618
practicable, by competitive examination. 4619

A board that established its own civil service organization 4620
prior to October 25, 1995, shall establish by rule the seniority 4621

provisions relating to street railway and motor bus employees in 4622
effect at the time of the acquisition of the transit system by the 4623
county. The vacation, holiday, and sick leave privileges shall not 4624
be regulated by other provisions of law relating to public 4625
employees of the state or county, except that the transit board, 4626
its officers and employees, shall be subject to the public 4627
employees retirement system of the state and the transit board 4628
shall assume any pension obligations which have been assumed by 4629
any publicly owned transit system which the county may acquire. 4630

(C) A county transit board or board of county commissioners 4631
operating a transit system may: 4632

(1) Acquire in its name by gift, grant, purchase, or 4633
condemnation and hold and operate real estate and interests 4634
therein and personal property suitable for its purposes; 4635

(2) In its name purchase, acquire, construct, enlarge, 4636
improve, equip, repair, maintain, sell, exchange, lease as lessee 4637
or lessor, receive a right of use of, and manage, control, and 4638
operate, in or out of the county, a county transit system 4639
consisting of all real estate and interests therein, personal 4640
property, and a combination thereof, for or related to the 4641
movement of persons including but not limited to street railway, 4642
tramline, subways, rapid transits, monorails, and passenger bus 4643
systems but excluding therefrom trucks, the movement of property 4644
by truck, and facilities designed for use in the movement of 4645
property by truck for hire; 4646

(3) Issue, with the approval of the county commissioners when 4647
the issuance is made by the transit board, revenue bonds of the 4648
county as provided in division (B) of section 306.09 of the 4649
Revised Code, to secure funds to accomplish its purposes. The 4650
principal of and interest on such bonds, together with all other 4651
payments required to be made by the trust agreement or indenture 4652
securing such bonds, shall be paid solely from revenues or other 4653

income accruing to the board from facilities of the county transit 4654
system designated in said agreement or indenture. 4655

(4) Enter into contracts in the exercise of the rights, 4656
powers, and duties conferred upon it, and execute all instruments 4657
necessary in the conduct of its business; 4658

(5) Fix, alter, and charge rates and other charges for the 4659
use of its real estate and interests therein, personal property, 4660
and combinations thereof; 4661

(6) Employ such financial consultants, accountants, 4662
appraisers, consulting engineers, architects, construction 4663
experts, attorneys-at-law, managers and other supervisory 4664
personnel, and other officers, employees, and agents as it 4665
determines necessary to conduct its business, and fix their 4666
compensation and duties; 4667

(7) Pledge, hypothecate, or otherwise encumber its revenues 4668
and other income as security for its obligations and enter into 4669
trust agreements or indentures for the benefit of revenue 4670
bondholders; 4671

(8) Borrow money or accept or contract to accept advances, 4672
loans, gifts, grants, devises, or bequests from and enter into 4673
contracts or agreements with any federal, state, or other 4674
governmental or private source and hold and apply advances, loans, 4675
gifts, grants, devises, or bequests according to the terms thereof 4676
including provisions which are required by such federal, state, or 4677
other governmental or private source to protect the interest of 4678
employees affected by such advances, loans, gifts, grants, 4679
devises, or bequests. Such advances, loans, gifts, grants, or 4680
devises may be subject to any reasonable reservation and any gift, 4681
grant, or devise or real estate may be in fee simple or any lesser 4682
estate. Any advances or loans received from any federal, state, or 4683
other governmental or private source may be repaid in accordance 4684

with the terms of such advance or loan. A loan accepted by a 4685
county transit board shall not, in any way, obligate the general 4686
fund of a county or a board of county commissioners. 4687

(9) Conduct investigations and surveys into the needs of the 4688
public within or without the county for transportation services to 4689
provide for the movement of persons within, into, or from the area 4690
serviced or to be serviced by the county transit system; 4691

(10) Enter into lawful arrangements with the appropriate 4692
federal or state department or agency, county, township, municipal 4693
corporation, or other political subdivision or public agency for 4694
the planning and installation of any public facilities which are 4695
determined necessary in the conduct of its business; 4696

(11) Purchase fire, extended coverage, and liability 4697
insurance for the real estate and interests therein, personal 4698
property and any combination thereof, used by or in connection 4699
with the county transit system and insurance covering the board 4700
and the county transit system and its officers and employees for 4701
liability for damage or injury to persons or property; 4702

(12) Procure and pay all or any part of the cost of group 4703
hospitalization, surgical, major medical, or sickness and accident 4704
insurance, or a combination thereof, for the officers and 4705
employees of the county transit system and their immediate 4706
dependents, issued by an insurance company, duly authorized to do 4707
business in this state; 4708

(13) Sell, lease, release, or otherwise dispose of real 4709
estate or interests therein or personal property owned by it and 4710
grant such easements across its real estate and interests therein 4711
as will not interfere with its use by the county transit system; 4712

(14) Establish rules for the use and operation of the county 4713
transit system including the real estate or interests therein, 4714
personal property or a combination of the foregoing used by or in 4715

connection with such system; 4716

(15) Exercise the power of eminent domain to appropriate any 4717
real estate or interests therein, personal property, franchises, 4718
or any combination thereof, within or without the county, 4719
necessary or proper in the exercise of its powers provided in 4720
sections 306.01 to 306.13 of the Revised Code, as provided in 4721
sections 163.01 to 163.22 of the Revised Code, and subject to 4722
divisions (15)(a), (b), and (c) of this section, provided that a 4723
county transit board or a board of county commissioners operating 4724
a transit system shall not proceed to so appropriate real property 4725
outside its territorial boundaries, until it has served at the 4726
office of the county commissioners of the county in which it is 4727
proposed to appropriate real property, a notice describing the 4728
real property to be taken and the purpose for which it is proposed 4729
to be taken, and such county commissioners have entered on their 4730
journal within thirty days after such service a resolution 4731
approving such appropriation. 4732

(a) Nothing contained in this division authorizes a county 4733
transit board or a board of county commissioners to appropriate 4734
any land, rights, rights-of-way, franchises, or easements 4735
belonging to the state or to a municipal corporation without the 4736
consent of the state or of the municipal corporation, and no 4737
county transit board or board of county commissioners shall 4738
exercise the right of eminent domain to acquire any certificate of 4739
public convenience and necessity, or any part thereof, issued to a 4740
for-hire motor carrier by the public utilities commission of Ohio 4741
or by the federal motor carrier safety administration of the 4742
United States, or to take or disturb other real estate or 4743
interests therein, personal property, or any combination thereof 4744
belonging to any municipal corporation without the consent of the 4745
legislative authority of such municipal corporation, or take or 4746
disturb real estate or interests therein, personal property, or 4747

any combination thereof belonging to any other political 4748
subdivision, public corporation, public utility, or common 4749
carrier, which is necessary and convenient in the operation of 4750
such political subdivision, public corporation, public utility, or 4751
common carrier unless provision is made for the restoration, 4752
relocation, or duplication of that taken or upon the election of 4753
such political subdivision, public corporation, public utility, or 4754
common carrier for the payment of compensation, if any, at the 4755
sole cost of the county transit system. 4756

(b) If any restoration or duplication proposed to be made 4757
under this division involves a relocation, the new location shall 4758
have at least comparable utilitarian value and effectiveness, and 4759
such relocation shall not impair the ability of the public utility 4760
or common carrier to compete in its original area of operation. 4761

(c) If such restoration or duplication proposed to be made 4762
under this division involves a relocation, the county transit 4763
board or board of county commissioners shall acquire no interest 4764
or right in or to the appropriated property or facility until the 4765
relocated property or facility is available for use and until 4766
marketable title thereto has been transferred to the political 4767
subdivision, public corporation, public utility, or common 4768
carrier. Nothing in this division shall require any board of 4769
county commissioners or county transit board operating a county 4770
transit system to so restore, relocate, or duplicate, if all of 4771
the real estate and interests therein, personal property, and any 4772
combination of the foregoing which is owned by a public utility or 4773
common carrier and used by it or in connection with the movement 4774
of persons, is acquired by exercise of the power of eminent 4775
domain. 4776

(16) When real property is acquired that is located outside 4777
the county and is removed from the tax duplicate, the county 4778
transit board or board of county commissioners operating a transit 4779

system shall pay annually to the county treasurer of the county in 4780
which that property is located, commencing with the first tax year 4781
in which that property is removed from the tax duplicate, an 4782
amount of money in lieu of taxes equal to the smaller of the 4783
following: 4784

(a) The last annual installment of taxes due from the 4785
acquired property before removal from the tax duplicate; 4786

(b) An amount equal to the difference between the combined 4787
revenue from real estate taxes of all the taxing districts in 4788
which the property is located in the tax year immediately prior to 4789
the removal of the acquired property from the tax duplicate, and 4790
either: 4791

(i) The total revenue which would be produced by the tax rate 4792
of each such taxing district in the tax year immediately prior to 4793
the removal of the acquired property from the tax duplicate, 4794
applied to the real estate tax duplicate of each of such taxing 4795
districts in each tax year subsequent to the year of removal; or 4796

(ii) The combined revenue from real estate taxes of all such 4797
taxing districts in each tax year subsequent to the year of 4798
removal, whichever is the greater. 4799

The county transit board or board of county commissioners may 4800
be exempted from such payment by agreement of the affected taxing 4801
district or districts in the county in which the property is 4802
located. 4803

The county auditor of the county in which that property is 4804
located shall apportion each such annual payment to each taxing 4805
district as if the annual payment had been levied and collected as 4806
a tax. 4807

Those annual payments shall never again be made after they 4808
have ceased. 4809

(17) Sue or be sued, plead or be impleaded, and be held 4810
liable in any court of proper jurisdiction for damages received by 4811
reason of negligence, in the same manner and to the same extent as 4812
if the county transit system were privately operated, provided, 4813
that no funds of a county other than those of the county transit 4814
board or, if the transit system is operated by the board of county 4815
commissioners, other than those in the account for the county 4816
transit system created under division (C) of section 306.01 of the 4817
Revised Code, shall be available for the satisfaction of judgments 4818
rendered against that system; 4819

(18) Annually prepare and make available for public 4820
inspection a report in condensed form showing the financial 4821
results of the operation of the county transit system. For systems 4822
operated by a county transit board, copies of this report shall be 4823
furnished to the county commissioners as well as a monthly summary 4824
statement of revenues and expenses for the preceding month 4825
sufficient to show the exact financial condition of the county 4826
transit system as of the last day of the preceding month. 4827

(19) With the approval of the county commissioners when the 4828
action is taken by the transit board, and without competitive 4829
bidding, sell, lease, or grant the right of use of all or a 4830
portion of the county transit system to any other political 4831
subdivision, taxing district, or other public body or agency 4832
having the power to operate a transit system; 4833

~~(20) Enter into and supervise franchise agreements for the 4834
operation of a county transit system; 4835~~

~~(21) Accept the assignment of and then supervise an existing 4836
franchise agreement for the operation of a county transit system. 4837~~

(D)(1) As used in this division: 4838

(a) "Applicant" means any person who responds to a request 4839
for proposals and submits an application for a franchise to 4840

operate a public transit system or portion of a public transit system; 4841
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(b) "Application for certification" means the documents that are required to be filed by a franchisee to initiate the proceedings required for certification; 4843
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(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; 4846
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(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. 4850
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(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. 4855
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(f) "Franchisee" means the individual, corporation, or other entity awarded a franchise. 4862
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(2) A board of county commissioners, on behalf of a county transit board, may award a franchise to an applicant subject to such terms and conditions as the board of county commissioners considers appropriate and consistent with applicable laws. Subsequent to awarding the franchise, the board of county commissioners may issue a certification and, until such issuance, the franchisee has no right to operate a public transit system or part of such a system. The board of county commissioners shall not 4864
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delete, alter, or amend the terms and conditions of the 4872
certification after its issuance. The board shall include in the 4873
certification performance targets related to the operation of a 4874
public transit system by the franchisee, including cost savings to 4875
the county, gains in efficiency, the safety and security of the 4876
traveling public and franchise employees, service to the traveling 4877
public, return on any investments made by the county, and any 4878
other performance targets as determined by the board. All terms 4879
and conditions of the order of certification are terms and 4880
conditions of the franchise. Unless expressly exempted or granted 4881
a waiver in the certification, the franchisee shall comply with 4882
all applicable rules, regulations, orders, and ordinances. 4883

(3) The award of a franchise by a board of county 4884
commissioners to an applicant is the sole license and authority 4885
for the franchisee to establish a public transit system and, 4886
subject to certification, operate a public transit system. 4887

(4) A board of county commissioners shall award a franchise 4888
for a period of not less than ten years, as provided in the 4889
franchise. 4890

(5) A franchise shall not prohibit the franchisee from 4891
implementing new or improved services during the term of the 4892
franchise. 4893

(6) A franchisee shall coordinate its services, as specified 4894
in the franchise, with public transit providers to make effective 4895
transportation services available to the public and provide access 4896
to and from the public transit system. 4897

(7) A board of county commissioners shall provide terms and 4898
conditions in a franchise to ensure that the franchisee will 4899
continue operation of the public transit system for the duration 4900
of the term of the franchise or, if the franchise is revoked, 4901
suspended, or abandoned, that financial and other necessary 4902

resources are available to continue the operation of the system 4903
until another franchisee is selected or until the board of county 4904
commissioners determines to cease the transit operations governed 4905
by the franchise. The franchise shall specifically provide that 4906
the board shall have the right to terminate the franchise if the 4907
board determines that the franchisee has materially breached the 4908
franchise in any manner. The franchisee may appeal such a 4909
termination to the board, and, if the board upholds the 4910
termination, to the proper court of common pleas. 4911

Sec. 306.14. (A) If a board of county commissioners awards a 4912
franchise to a franchisee on behalf of a county transit board, the 4913
county transit board shall submit an annual written report to the 4914
board of county commissioners not later than a date designated by 4915
the board of county commissioners and in a form prescribed by that 4916
board. The board of county commissioners shall make the report 4917
available on the general web site of the county. The county 4918
transit board shall include in the report a description in detail 4919
of the effects the franchise agreement had during the prior year 4920
on all of the following as they relate to the operation of a 4921
public transit system by the franchisee in that county: 4922

(1) Cost savings to the county; 4923

(2) Efficiency; 4924

(3) Safety and security of the traveling public and franchise 4925
employees; 4926

(4) Service to the traveling public; 4927

(5) Return on investment by the county; 4928

(6) Any other aspects the board of county commissioners 4929
determines should be included in the report. 4930

(B) A franchisee that is awarded a franchise by a board of 4931
county commissioners on behalf of a county transit board shall 4932

submit an annual written report to the board of county 4933
commissioners or county transit board not later than a date 4934
designated by the board of county commissioners and in a form 4935
prescribed by that board. The board of county commissioners also 4936
shall direct the franchisee to submit the report to the board of 4937
county commissioners, the county transit board, or both. The board 4938
of county commissioners shall establish the issues to be addressed 4939
in the report with respect to the public transit system that the 4940
franchisee operated during the prior year. The board of county 4941
commissioners shall make the report available on the general web 4942
site of the county. 4943

(C) A board of county commissioners that awards a franchise 4944
to a franchisee on behalf of a county transit board shall conduct 4945
an annual review of the performance of the franchisee. The board 4946
of county commissioners shall include in the review a 4947
determination of the number of performance targets the franchisee 4948
met during the prior year and an evaluation of the franchisee's 4949
compliance with the other terms and conditions of the franchise, 4950
including any breaches of the franchise by the franchisee. The 4951
board shall issue a written report, and shall make the report 4952
available on the general web site of the county. 4953

Sec. 307.678. (A) As used in this section: 4954

(1) "Stadium" means an open-air structure designed and 4955
developed to provide a venue for public entertainment, cultural 4956
activities and recreation, or any combination thereof, including 4957
concerts, athletic and sporting events, and other events and 4958
exhibitions, together with concession, locker room, parking, 4959
restroom, and storage facilities, walkways, and other auxiliary 4960
facilities, whether included within or separate from the 4961
structure, and all real and personal property and interests 4962
therein related to the use of the structure for those purposes. 4963

<u>(2) "Bureau" means a nonprofit corporation that is organized</u>	4964
<u>under the laws of this state that is, or has among its functions</u>	4965
<u>acting as, a convention and visitors' bureau, and that currently</u>	4966
<u>receives revenue from existing lodging taxes.</u>	4967
<u>(3) "Cooperating parties" means the parties to a cooperative</u>	4968
<u>agreement.</u>	4969
<u>(4) "Cooperative agreement" means an agreement entered into</u>	4970
<u>pursuant to division (B) of this section.</u>	4971
<u>(5) "Corporation" means a nonprofit corporation that is</u>	4972
<u>organized under the laws of this state and has corporate authority</u>	4973
<u>under its organizational instruments to acquire, construct,</u>	4974
<u>reconstruct, equip, finance, furnish, otherwise improve, own,</u>	4975
<u>lease, or operate a stadium.</u>	4976
<u>(6) "Debt charges" has the same meaning as in section 133.01</u>	4977
<u>of the Revised Code, except that "obligations" shall be</u>	4978
<u>substituted for "securities" wherever "securities" appears in that</u>	4979
<u>section.</u>	4980
<u>(7) "Eligible county" means a county having a population of</u>	4981
<u>at least three hundred seventy-five thousand, but not more than</u>	4982
<u>four hundred thousand, according to the most recent federal</u>	4983
<u>decennial census.</u>	4984
<u>(8) "Existing lodging taxes" means taxes levied by a board of</u>	4985
<u>county commissioners of an eligible county under division (A) of</u>	4986
<u>section 5739.09 of the Revised Code.</u>	4987
<u>(9) "Financing costs" means all costs and expenses relating</u>	4988
<u>to the authorization, including any required election, issuance,</u>	4989
<u>sale, delivery, authentication, deposit, custody, clearing,</u>	4990
<u>registration, transfer, exchange, fractionalization, replacement,</u>	4991
<u>payment, and servicing, of obligations, including, without</u>	4992
<u>limitation, costs and expenses for or relating to publication and</u>	4993
<u>printing, postage, delivery, preliminary and final official</u>	4994

statements, offering circulars, and informational statements, 4995
travel and transportation, underwriters, placement agents, 4996
investment bankers, paying agents, registrars, authenticating 4997
agents, remarketing agents, custodians, clearing agencies or 4998
corporations, securities depositories, financial advisory 4999
services, certifications, audits, federal or state regulatory 5000
agencies, accounting and computation services, legal services and 5001
obtaining approving legal opinions and other legal opinions, 5002
credit ratings, redemption premiums, and credit enhancement 5003
facilities. Financing costs may be paid from any money available 5004
for the purpose, including, unless otherwise provided in the 5005
proceedings, from the proceeds of the obligations to which they 5006
relate and, as to future financing costs, from the same sources 5007
from which debt charges on the obligations are paid and as though 5008
debt charges. 5009

(10) "Host municipal corporation" means a municipal 5010
corporation, having a population of at least seventy thousand but 5011
not more than eighty thousand according to the most recent federal 5012
decennial census, within the boundaries of which a stadium is 5013
located. 5014

(11) "Host school district" means the school district within 5015
the boundaries of which a stadium is located. 5016

(12) "Issuer" means any issuer, as defined in section 133.01 5017
of the Revised Code, and any corporation. 5018

(13) "Obligations" means obligations that are issued or 5019
incurred by an issuer pursuant to Chapter 133. or 4582. of the 5020
Revised Code, or otherwise, for the purpose of funding or paying, 5021
or reimbursing persons for the funding or payment of, project 5022
costs, and that evidence the issuer's obligation to repay borrowed 5023
money, including interest thereon, or to pay other money 5024
obligations of the issuer at any future time, including, without 5025
limitation, bonds, notes, anticipatory securities as defined in 5026

section 133.01 of the Revised Code, certificates of indebtedness, 5027
commercial paper, or installment sale, lease, lease-purchase, or 5028
similar agreements. 5029

(14) "Port authority" means a port authority created under 5030
Chapter 4582. of the Revised Code. 5031

(15) "Project" means acquiring, constructing, reconstructing, 5032
rehabilitating, remodeling, renovating, enlarging, equipping, 5033
furnishing, or otherwise improving a stadium or any component or 5034
element thereof. 5035

(16) "Project cost" means the cost of acquiring, 5036
constructing, reconstructing, rehabilitating, remodeling, 5037
renovating, enlarging, equipping, financing, refinancing, 5038
furnishing, or otherwise improving a project, including, without 5039
limitation, financing costs; the cost of architectural, 5040
engineering, and other professional services, designs, plans, 5041
specifications, surveys, and estimates of costs; financing or 5042
refinancing obligations issued by, or reimbursing money advanced 5043
by, any cooperating party or any other person, where the proceeds 5044
of the obligations or money advanced was used to pay any other 5045
cost described in this division; inspections and testing; any 5046
indemnity or surety bond or premium related to insurance 5047
pertaining to development of the project; all related direct and 5048
indirect administrative costs; fees and expenses of trustees, 5049
escrow agents, depositories, and paying agents for any 5050
obligations; interest on obligations during the planning, design, 5051
and development of a project and for up to eighteen months 5052
thereafter; funding of reserves for the payment of debt charges on 5053
any obligations; and all other expenses necessary or incident to 5054
planning, or determining the feasibility or practicability of, a 5055
project, including, without limitation, advocating the enactment 5056
of legislation to facilitate the development and financing of a 5057
project. 5058

(B) On or before December 31, 2015, the board of county commissioners of an eligible county, a host municipal corporation, the board of education of a host school district, a port authority, a bureau, and a corporation, or any combination thereof, may enter into a cooperative agreement under which: 5059
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(1) The board of county commissioners and the bureau agree to make available to a cooperating party or any other person proceeds of an existing lodging tax, not to exceed five hundred thousand dollars each year, to pay project costs or debt charges on obligations issued by a cooperating party to fund, finance, or refinance the payment of project costs; 5064
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(2) The cooperating parties agree, subject to any conditions or limitations provided in the cooperative agreement, to each of the following: 5070
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(a) The conveyance, grant, or transfer to a cooperating party or any other person of ownership of, property interests in, and rights to use a stadium, either as the stadium exists at the time of the agreement or as it may be improved by a project; 5073
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(b) The respective responsibilities of each cooperating party for the management, operation, maintenance, repair, and replacement of a stadium, including any project undertaken with respect to the stadium, which may include authorization for a cooperating party to contract with any other person for any such purpose; 5077
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(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; 5083
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(d) The respective responsibilities of each cooperating party 5089

to provide money, whether by issuing obligations or otherwise, for 5090
the funding, payment, financing, or refinancing, or reimbursement 5091
to a cooperating party or other person for the funding, payment, 5092
financing, or refinancing, of project costs; 5093

(e) The respective responsibilities of each cooperating 5094
party, or any other person, to provide money or other security for 5095
the payment of debt charges on obligations. 5096

(C) Any conveyance, grant, or transfer of ownership of, 5097
property interests in, or rights to use a stadium, and any 5098
contract for the development, management, operation, maintenance, 5099
repair, or replacement of a stadium, including any project 5100
undertaken with respect to an existing stadium, that is 5101
contemplated by a cooperative agreement may be made or entered 5102
into by a cooperating party, in such manner and upon such terms as 5103
the cooperating parties may agree, without any requirement of 5104
bidding and without regard to ownership of the stadium, 5105
notwithstanding any other provision of law that may otherwise 5106
apply. A project constitutes a "port authority facility" within 5107
the meaning of division (D) of section 4582.01 and division (E) of 5108
section 4582.21 of the Revised Code and shall be considered a 5109
permanent improvement for one purpose under Chapter 133. of the 5110
Revised Code. 5111

(D) Notwithstanding any other provision of law, and after 5112
deducting the real and actual costs of administering an existing 5113
lodging tax and any portion of such tax required to be returned to 5114
any municipal corporation or township as provided in division 5115
(A)(1) of section 5739.09 of the Revised Code, the board of county 5116
commissioners of an eligible county and a bureau may agree to make 5117
available, and a cooperating party or other person may use, 5118
proceeds of an existing lodging tax for the funding or payment of 5119
project costs, including, without limitation, the payment of debt 5120
charges on obligations. Either the board or the bureau, or both, 5121

may pledge proceeds of an existing lodging tax to the payment of 5122
debt charges on obligations. The total amount of existing lodging 5123
tax proceeds made available for such use or so pledged each year 5124
shall not exceed five hundred thousand dollars. The lien of any 5125
such pledge shall be effective against all persons when it is 5126
made, without the requirement for the filing of any notice, and 5127
any proceeds of an existing lodging tax so pledged and required to 5128
be used to pay debt charges on obligations shall be paid by the 5129
county or bureau at the times, in the amounts, and to such payee, 5130
including, without limitation, a corporate trustee or paying 5131
agent, required for such obligations. The board of county 5132
commissioners may amend any previously adopted resolution 5133
providing for the levy of an existing lodging tax to permit the 5134
use of the proceeds of the existing lodging tax as provided in 5135
this division. 5136

(E) A board of county commissioners shall not repeal, 5137
rescind, or reduce the levy of an existing lodging tax to the 5138
extent its proceeds are pledged to the payment of debt charges on 5139
obligations, and any such lodging tax shall not be subject to 5140
repeal, rescission, or reduction by initiative, referendum, or 5141
subsequent enactment of legislation by the general assembly, so 5142
long as there remain outstanding any obligations as to which the 5143
payment of debt charges is secured by a pledge of the existing 5144
lodging tax. 5145

(F) A pledge of the proceeds of an existing lodging tax under 5146
division (D) of this section shall not constitute indebtedness of 5147
the eligible county for the purposes of Chapter 133. of the 5148
Revised Code. 5149

(G) The authority provided by this section is supplemental 5150
to, and is not intended to limit in any way, any legal authority 5151
that a cooperating party may have under any other provision of 5152
law. 5153

Sec. 307.6910. (A) A new nonprofit corporation shall be 5154
organized under the laws of this state for the purpose of 5155
operating a veterans memorial and museum to be located within the 5156
city of Columbus at the site described in division (B) of this 5157
section. 5158

(B) The site of the veterans memorial and museum, shall be 5159
constructed on the following parcel of real property owned in fee 5160
simple by the board of county commissioners of Franklin county: 5161

That property located at 300 West Broad Street, Columbus, 5162
Ohio, generally lying north of Broad Street, south of the 5163
right-of-way line of Norfolk and Southern Railway, west of the 5164
Scioto River and its floodwall, and east of the east line of Belle 5165
Street if the same extended north of Broad Street to the railroad 5166
right-of-way. 5167

(C) The bylaws of the new nonprofit corporation shall provide 5168
for the board of directors to consist of fifteen members. The 5169
appointments to the board of directors shall be made in accordance 5170
with the articles of incorporation and bylaws of the nonprofit 5171
corporation. All appointments to the board of directors shall 5172
satisfy any qualifications set forth in the nonprofit 5173
corporation's bylaws. A majority of the members of the board of 5174
directors appointed by each appointing entity shall be veterans of 5175
the armed forces of the United States. The appointments shall be 5176
made as follows: 5177

(1) The board of county commissioners of Franklin county 5178
shall appoint five members. 5179

(2) The articles of incorporation shall provide for the 5180
remaining appointments, not to exceed ten, the majority of whom 5181
shall be veterans of the armed forces of the United States. 5182

(D) All meetings and records of the new nonprofit corporation 5183

shall be conducted and maintained in accordance with the sunshine 5184
laws of this state, including, but not limited to, sections 121.22 5185
and 149.43 of the Revised Code. 5186

(E) The board of county commissioners of Franklin county may 5187
lease the site described in division (B) of this section together 5188
with any adjacent property, without engaging in competitive 5189
bidding, to an Ohio nonprofit corporation for the construction, 5190
development, and operation of the veterans memorial and museum. A 5191
board of county commissioners may appropriate funds to either the 5192
nonprofit corporation established as provided in this section or 5193
the nonprofit corporation with which the county has leased the 5194
property for permanent improvements and operating expenses of the 5195
veterans memorial and museum. 5196

Sec. 307.863. (A) Notwithstanding section 307.86 of the 5197
Revised Code, a board of county commissioners that awards a 5198
franchise to a franchisee on behalf of a county transit board 5199
pursuant to section 306.04 of the Revised Code to operate a public 5200
transit system shall award the franchise through competitive 5201
bidding as prescribed in this section. The board shall solicit 5202
bids that are not sealed, and shall ensure that all bids the board 5203
receives are open for public inspection. The board shall consider 5204
all bids that are timely received. 5205

(B) The fact that a bid proposes to be the most beneficial to 5206
the county monetarily in and of itself does not confer best bid 5207
status on that bid. 5208

(C) In awarding a franchise to a bidder to operate a public 5209
transit system, the board may consider all of the following: 5210

(1) The proposed monetary benefit to the county; 5211

(2) The bidder's ownership of, or access to, transportation 5212
facilities or transportation equipment such as vehicles, automated 5213

transit systems, or any other applicable equipment; 5214

(3) The bidder's experience in operating public transit systems; 5215
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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. 5217
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Sec. 307.982. (A) To the extent permitted by federal law, 5225
including subpart F of 5 C.F.R. part 900, and subject to any 5226
limitations established by the Revised Code, including division 5227
(B) of this section, a board of county commissioners may enter 5228
into a written contract with a private or government entity, 5229
including a public or private college or university, for the 5230
entity to perform a family services duty or workforce development 5231
activity on behalf of a county family services agency or workforce 5232
development agency. The entity with which a board contracts is not 5233
required to be located in the county the board serves. 5234

A family services duty or workforce development activity 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. 5235
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(B) A board of county commissioners may not enter into a 5241
contract under division (A) of this section regarding a family 5242
services duty of a public children services agency if a county 5243
children services board appointed under section 5153.03 of the 5244

Revised Code serves as the public children services agency for the 5245
county. The county children services board may enter into 5246
contracts regarding its duties in accordance with division (C)(2) 5247
of section 5153.16 of the Revised Code. 5248

Sec. 340.01. (A) As used in this chapter, ~~"addiction,"~~: 5249

(1) "Addiction," "addiction services," "alcohol and drug 5250
addiction services," "community addiction services provider," 5251
"community mental health services provider," "drug addiction," 5252
"gambling addiction services," "mental health services," and 5253
"mental illness" have the same meanings as in section 5119.01 of 5254
the Revised Code. 5255

(2) "Medication-assisted treatment" means alcohol and drug 5256
addiction services that are accompanied by medication approved by 5257
the United States food and drug administration for the treatment 5258
of drug addiction, prevention of relapse of drug addiction, or 5259
both. 5260

(3) "Recovery housing" means housing for individuals 5261
recovering from drug addiction that provides an alcohol and 5262
drug-free living environment, peer support, assistance with 5263
obtaining drug addiction services, and other drug addiction 5264
recovery assistance. 5265

(B) An alcohol, drug addiction, and mental health service 5266
district shall be established in any county or combination of 5267
counties having a population of at least fifty thousand to provide 5268
addiction services and mental health services. With the approval 5269
of the director of mental health and addiction services, any 5270
county or combination of counties having a population of less than 5271
fifty thousand may establish such a district. Districts comprising 5272
more than one county shall be known as joint-county districts. 5273

The board of county commissioners of any county participating 5274

in a joint-county district may submit a resolution requesting 5275
withdrawal from the district together with a comprehensive plan or 5276
plans that are in compliance with rules adopted by the director of 5277
mental health and addiction services under section 5119.22 of the 5278
Revised Code, and that provide for the equitable adjustment and 5279
division of all services, assets, property, debts, and 5280
obligations, if any, of the joint-county district to the board of 5281
alcohol, drug addiction, and mental health services, to the boards 5282
of county commissioners of each county in the district, and to the 5283
~~directors~~ director. No county participating in a joint-county 5284
service district may withdraw from the district without the 5285
consent of the director of mental health and addiction services 5286
nor earlier than one year after the submission of such resolution 5287
unless all of the participating counties agree to an earlier 5288
withdrawal. Any county withdrawing from a joint-county district 5289
shall continue to have levied against its tax list and duplicate 5290
any tax levied by the district during the period in which the 5291
county was a member of the district until such time as the levy 5292
expires or is renewed or replaced. 5293

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 5294
health service district, there shall be appointed a board of 5295
alcohol, drug addiction, and mental health services consisting of 5296
eighteen members or fourteen members. Should the board of alcohol, 5297
drug addiction, and mental health services elect to remain at 5298
eighteen members, as provided under section 340.02 of the Revised 5299
Code as it existed immediately prior to the date of this 5300
amendment, the board of alcohol, drug addiction, and mental health 5301
services and the board of county commissioners shall not be 5302
required to take any action. Should the board of alcohol, drug 5303
addiction, and mental health services elect a recommendation to 5304
become a fourteen-member board, that recommendation must be 5305
approved by the board of county commissioners of the county in 5306

which the alcohol, drug addiction, and mental health district is 5307
located in order for the transition to a fourteen-member board to 5308
occur. Not later than September 30, 2013, each board of alcohol, 5309
drug addiction, and mental health services wishing to become a 5310
fourteen-member board shall notify the board of county 5311
commissioners of that recommendation. Failure of the board of 5312
county commissioners to take action within thirty days after 5313
receipt of the recommendation shall be deemed agreement by the 5314
board of county commissioners to transition to a fourteen-member 5315
board of alcohol, drug addiction, and mental health services. 5316
Should the board of county commissioners reject the 5317
recommendation, the board of county commissioners shall adopt a 5318
resolution stating that rejection within thirty days after receipt 5319
of the recommendation. Upon adoption of the resolution, the board 5320
of county commissioners shall meet with the board of alcohol, drug 5321
addiction, and mental health services to discuss the matter. After 5322
the meeting, the board of county commissioners shall notify the 5323
department of mental health and addiction services of its election 5324
not later than January 1, 2014. In a joint-county district, a 5325
majority of the boards of county commissioners must not reject the 5326
recommendation of a joint-county board to become a fourteen-member 5327
board in order for the transition to a fourteen-member board to 5328
occur. Should the joint-county district have an even number of 5329
counties, and the boards of county commissioners of these counties 5330
tie in terms of whether or not to accept the recommendation of the 5331
alcohol, drug addiction, and mental health services board, the 5332
recommendation of the alcohol, drug addiction, and mental health 5333
service board to become a fourteen-member board shall prevail. The 5334
election shall be final. Failure to provide notice of its election 5335
to the department on or before January 1, 2014, shall constitute 5336
an election to continue to operate as an eighteen-member board, 5337
which election shall also be final. If an existing board provides 5338
timely notice of its election to transition to operate as a 5339

fourteen-member board, the number of board members may decline 5340
from eighteen to fourteen by attrition as current members' terms 5341
expire. However, the composition of the board must reflect the 5342
requirements set forth in this section for fourteen-member boards. 5343
For all boards, half of the members shall be interested in mental 5344
health services and half of the members shall be interested in 5345
alcohol, drug, or gambling addiction services. All members shall 5346
be residents of the service district. The membership shall, as 5347
nearly as possible, reflect the composition of the population of 5348
the service district as to race and sex. 5349

(B) For boards operating as eighteen-member boards, the 5350
director of mental health and addiction services shall appoint 5351
eight members of the board and the board of county commissioners 5352
shall appoint ten members. For boards operating as fourteen-member 5353
boards, the director of mental health and addiction services shall 5354
appoint six members of the board and the board of county 5355
commissioners shall appoint eight members. In a joint-county 5356
district, the county commissioners of each participating county 5357
shall appoint members in as nearly as possible the same proportion 5358
as that county's population bears to the total population of the 5359
district, except that at least one member shall be appointed from 5360
each participating county. 5361

(C) The director of mental health and addiction services 5362
shall ensure that at least one member of the board is a clinician 5363
with experience in the delivery of mental health services, at 5364
least one member of the board is a person who has received or is 5365
receiving mental health services ~~paid for by public funds~~, at 5366
least one member of the board is a parent or other relative of 5367
such a person, at least one member of the board is a clinician 5368
with experience in the delivery of addiction services, at least 5369
one member of the board is a person who has received or is 5370
receiving addiction services ~~paid for by public funds~~, and at 5371

least one member of the board is a parent or other relative of 5372
such a person. A single member who meets both qualifications may 5373
fulfill the requirement for a clinician with experience in the 5374
delivery of mental health services and a clinician with experience 5375
in the delivery of addiction services. 5376

(D) No member or employee of a board of alcohol, drug 5377
addiction, and mental health services shall serve as a member of 5378
the board of any provider with which the board of alcohol, drug 5379
addiction, and mental health services has entered into a contract 5380
for the provision of services or facilities. No member of a board 5381
of alcohol, drug addiction, and mental health services shall be an 5382
employee of any provider with which the board has entered into a 5383
contract for the provision of services or facilities. No person 5384
shall be an employee of a board and such a provider unless the 5385
board and provider both agree in writing. 5386

(E) No person shall serve as a member of the board of 5387
alcohol, drug addiction, and mental health services whose spouse, 5388
child, parent, brother, sister, grandchild, stepparent, stepchild, 5389
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 5390
daughter-in-law, brother-in-law, or sister-in-law serves as a 5391
member of the board of any provider with which the board of 5392
alcohol, drug addiction, and mental health services has entered 5393
into a contract for the provision of services or facilities. No 5394
person shall serve as a member or employee of the board whose 5395
spouse, child, parent, brother, sister, stepparent, stepchild, 5396
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 5397
daughter-in-law, brother-in-law, or sister-in-law serves as a 5398
county commissioner of a county or counties in the alcohol, drug 5399
addiction, and mental health service district. 5400

(F) Each year each board member shall attend at least one 5401
inservice training session provided or approved by the department 5402
of mental health and addiction services. 5403

(G) For boards operating as eighteen-member boards, each 5404
member shall be appointed for a term of four years, commencing the 5405
first day of July, except that one-third of initial appointments 5406
to a newly established board, and to the extent possible to 5407
expanded boards, shall be for terms of two years, one-third of 5408
initial appointments shall be for terms of three years, and 5409
one-third of initial appointments shall be for terms of four 5410
years. For boards operating as fourteen-member boards, each member 5411
shall be appointed for a term of four years, commencing the first 5412
day of July, except that four of the initial appointments to a 5413
newly established board, and to the extent possible to expanded 5414
boards, shall be for terms of two years, five initial appointments 5415
shall be for terms of three years, and five initial appointments 5416
shall be for terms of four years. No member shall serve more than 5417
two consecutive four-year terms under the same appointing 5418
authority. A member may serve for three consecutive terms under 5419
the same appointing authority only if one of the terms is for less 5420
than two years. A member who has served two consecutive four-year 5421
terms or three consecutive terms totaling less than ten years is 5422
eligible for reappointment by the same appointing authority one 5423
year following the end of the second or third term, respectively. 5424

When a vacancy occurs, appointment for the expired or 5425
unexpired term shall be made in the same manner as an original 5426
appointment. The appointing authority shall be notified by 5427
certified mail of any vacancy and shall fill the vacancy within 5428
sixty days following that notice. 5429

Any member of the board may be removed from office by the 5430
appointing authority for neglect of duty, misconduct, or 5431
malfeasance in office, and shall be removed by the appointing 5432
authority if the member is barred by this section from serving as 5433
a board member. The member shall be informed in writing of the 5434
charges and afforded an opportunity for a hearing. Upon the 5435

absence of a member within one year from either four board 5436
meetings or from two board meetings without prior notice, the 5437
board shall notify the appointing authority, which may vacate the 5438
appointment and appoint another person to complete the member's 5439
term. 5440

Members of the board shall serve without compensation, but 5441
shall be reimbursed for actual and necessary expenses incurred in 5442
the performance of their official duties, as defined by rules of 5443
the department of mental health and addiction services. 5444

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 5445
health service district where the board of county commissioners 5446
has established an alcohol and drug addiction services board, the 5447
community mental health board established under former section 5448
340.02 of the Revised Code shall serve as the entity responsible 5449
for providing mental health services in the county. A community 5450
mental health board has all the powers, duties, and obligations of 5451
a board of alcohol, drug addiction, and mental health services 5452
with regard to mental health services. An alcohol and drug 5453
addiction services board has all the powers, duties, and 5454
obligations of a board of alcohol, drug addiction, and mental 5455
health services with regard to addiction services. Any provision 5456
of the Revised Code that refers to a board of alcohol, drug 5457
addiction, and mental health services with regard to mental health 5458
services also refers to a community mental health board and any 5459
provision that refers to a board of alcohol, drug addiction, and 5460
mental health services with regard to alcohol and drug addiction 5461
services also refers to an alcohol and drug addiction services 5462
board. 5463

An alcohol and drug addiction services board shall consist of 5464
eighteen members or fourteen members, at the election of the 5465
board. Not later than January 1, 2014, each alcohol and drug 5466

addiction services board shall notify the department of mental 5467
health and addiction services of its election to operate as an 5468
eighteen-member board or to operate as a fourteen-member board. 5469
The election shall be final. Failure to provide notice of its 5470
election to the department on or before January 1, 2014, shall 5471
constitute an election to continue to operate as an 5472
eighteen-member board. If an existing board provides timely notice 5473
of its election to operate as a fourteen-member board, the number 5474
of board members may decline from eighteen to fourteen by 5475
attrition as current members' terms expire. However, the 5476
composition of the board must reflect the requirements set forth 5477
in this section and in applicable provisions of section 340.02 of 5478
the Revised Code for fourteen-member boards. For boards operating 5479
as eighteen-member boards, six members shall be appointed by the 5480
director of mental health and addiction services and twelve 5481
members shall be appointed by the board of county commissioners. 5482
The director of mental health and addiction services shall ensure 5483
that at least one member of the board is a person who has received 5484
or is receiving services for alcohol, drug, or gambling addiction 5485
~~paid for with public funds~~, at least one member is a parent or 5486
relative of such a person, and at least one member is a clinician 5487
with experience in the delivery of addiction services. The 5488
membership of the board shall, as nearly as possible, reflect the 5489
composition of the population of the service district as to race 5490
and sex. Members shall be residents of the service district and 5491
shall be interested in alcohol, drug, or gambling addiction 5492
services. Requirements for membership, including prohibitions 5493
against certain family and business relationships, and terms of 5494
office shall be the same as those for members of boards of 5495
alcohol, drug addiction, and mental health services. 5496

A community mental health board shall consist of eighteen 5497
members or fourteen members, at the election of the board. Not 5498
later than January 1, 2014, each community mental health board 5499

shall notify the department of mental health and addiction 5500
services of its election to operate as an eighteen-member board or 5501
to operate as a fourteen-member board. The election shall be 5502
final. Failure to provide notice of its election to the department 5503
on or before January 1, 2014, shall constitute an election to 5504
continue to operate as an eighteen-member board. If an existing 5505
board provides timely notice of its election to operate as a 5506
fourteen-member board, the number of board members may decline 5507
from eighteen to fourteen by attrition as current members' terms 5508
expire. However, the composition of the board must reflect the 5509
requirements set forth in this section and in applicable 5510
provisions of section 340.02 of the Revised Code for 5511
fourteen-member boards. For boards operating as eighteen-member 5512
boards, six members shall be appointed by the director of mental 5513
health and addiction services and twelve members shall be 5514
appointed by the board of county commissioners. The director of 5515
mental health and addiction services shall ensure that at least 5516
one member of the board is a person who has received or is 5517
receiving mental health services ~~paid for with public funds~~, at 5518
least one member is a parent or relative of such a person, and at 5519
least one member is a clinician with experience in the delivery of 5520
mental health services. The membership of the board as nearly as 5521
possible shall reflect the composition of the population of the 5522
service district as to race and sex. Members shall be residents of 5523
the service district and shall be interested in mental health 5524
services. Requirements for membership, including prohibitions 5525
against certain family and business relationships, and terms of 5526
office shall be the same as those for members of boards of 5527
alcohol, drug addiction, and mental health services. 5528

(B)(1) If a board of county commissioners subject to division 5529
(A) of this section did not adopt a final resolution providing for 5530
a board of alcohol, drug addiction, and mental health services on 5531
or before July 1, 2007, the board of county commissioners may 5532

establish a board of alcohol, drug addiction, and mental health 5533
services on or after ~~the effective date of this amendment~~ 5534
September 23, 2008. To establish the board, the board of county 5535
commissioners shall adopt a resolution providing for the board's 5536
establishment. The composition of the board, the procedures for 5537
appointing members, and all other matters related to the board and 5538
its members are subject to section 340.02 of the Revised Code, 5539
with the following exceptions: 5540

(a) For initial appointments to the board, the county's 5541
community mental health board and alcohol and drug addiction 5542
services board shall jointly recommend members of those boards for 5543
reappointment and shall submit the recommendations to the board of 5544
county commissioners and the director of mental health and 5545
addiction services. 5546

(b) To the greatest extent possible, the appointing 5547
authorities shall appoint the initial members from among the 5548
members jointly recommended under division (B)(1)(a) of this 5549
section. 5550

(2) If a board of alcohol, drug addiction, and mental health 5551
services is established pursuant to division (B)(1) of this 5552
section, the board has the same rights, privileges, immunities, 5553
powers, and duties that were possessed by the county's community 5554
mental health board and alcohol and drug addiction services board. 5555
When the board is established, all property and obligations of the 5556
community mental health board and alcohol and drug addiction 5557
services board shall be transferred to the board of alcohol, drug 5558
addiction, and mental health services. 5559

Sec. 340.03. (A) Subject to rules issued by the director of 5560
mental health and addiction services after consultation with 5561
relevant constituencies as required by division (A)(10) of section 5562
5119.21 of the Revised Code, the board of alcohol, drug addiction, 5563

and mental health services shall: 5564

(1) Serve as the community addiction and mental health 5565
services planning agency for the county or counties under its 5566
jurisdiction, and in so doing it shall: 5567

(a) Evaluate the need for facilities and community addiction 5568
and mental health services; 5569

(b) In cooperation with other local and regional planning and 5570
funding bodies and with relevant ethnic organizations, assess the 5571
community addiction and mental health needs, evaluate strengths 5572
and challenges, and set priorities for community addiction and 5573
mental health services, including treatment and prevention. When 5574
the board sets priorities for the operation of addiction services, 5575
the board shall consult with the county commissioners of the 5576
counties in the board's service district regarding the services 5577
described in section 340.15 of the Revised Code and shall give 5578
priority to those services, except that those services shall not 5579
have a priority over services provided to pregnant women under 5580
programs developed in relation to the mandate established in 5581
section 5119.17 of the Revised Code; 5582

(c) In accordance with guidelines issued by the director of 5583
mental health and addiction services after consultation with board 5584
representatives, annually develop and submit to the department of 5585
mental health and addiction services a community addiction and 5586
mental health services plan listing community addiction and mental 5587
health services needs, including the needs of all residents of the 5588
district currently receiving inpatient services in state-operated 5589
hospitals, the needs of other populations as required by state or 5590
federal law or programs, the needs of all children subject to a 5591
determination made pursuant to section 121.38 of the Revised Code, 5592
and priorities for facilities and community addiction and mental 5593
health services during the period for which the plan will be in 5594
effect. 5595

In alcohol, drug addiction, and mental health service 5596
districts that have separate alcohol and drug addiction services 5597
and community mental health boards, the alcohol and drug addiction 5598
services board shall submit a community addiction services plan 5599
and the community mental health board shall submit a community 5600
mental health services plan. Each board shall consult with its 5601
counterpart in developing its plan and address the interaction 5602
between the local addiction services and mental health services 5603
systems and populations with regard to needs and priorities in 5604
developing its plan. 5605

The department shall approve or disapprove the plan, in whole 5606
or in part, according to the criteria developed pursuant to 5607
section 5119.22 of the Revised Code. Eligibility for state and 5608
federal funding shall be contingent upon an approved plan or 5609
relevant part of a plan. 5610

If a board determines that it is necessary to amend a plan 5611
that has been approved under this division, the board shall submit 5612
a proposed amendment to the director. The director may approve or 5613
disapprove all or part of the amendment. The director shall inform 5614
the board of the reasons for disapproval of all or part of an 5615
amendment and of the criteria that must be met before the 5616
amendment may be approved. The director shall provide the board an 5617
opportunity to present its case on behalf of the amendment. The 5618
director shall give the board a reasonable time in which to meet 5619
the criteria, and shall offer the board technical assistance to 5620
help it meet the criteria. 5621

The board shall operate in accordance with the plan approved 5622
by the department. 5623

(d) Promote, arrange, and implement working agreements with 5624
social agencies, both public and private, and with judicial 5625
agencies. 5626

(2) Investigate, or request another agency to investigate, 5627
any complaint alleging abuse or neglect of any person receiving 5628
services from a community addiction or mental health services 5629
provider certified under section 5119.36 of the Revised Code or 5630
alleging abuse or neglect of a resident receiving addiction 5631
services or with mental illness or severe mental disability 5632
residing in a residential facility licensed under section 5119.34 5633
of the Revised Code. If the investigation substantiates the charge 5634
of abuse or neglect, the board shall take whatever action it 5635
determines is necessary to correct the situation, including 5636
notification of the appropriate authorities. Upon request, the 5637
board shall provide information about such investigations to the 5638
department. 5639

(3) For the purpose of section 5119.36 of the Revised Code, 5640
cooperate with the director of mental health and addiction 5641
services in visiting and evaluating whether the services of a 5642
community addiction or mental health services provider satisfy the 5643
certification standards established by rules adopted under that 5644
section; 5645

(4) In accordance with criteria established under division 5646
(E) of section 5119.22 of the Revised Code, conduct program audits 5647
that review and evaluate the quality, effectiveness, and 5648
efficiency of services provided through its community addiction 5649
and mental health contracted services and submit its findings and 5650
recommendations to the department of mental health and addiction 5651
services; 5652

(5) In accordance with section 5119.34 of the Revised Code, 5653
review an application for a residential facility license and 5654
provide to the department of mental health and addiction services 5655
any information about the applicant or facility that the board 5656
would like the department to consider in reviewing the 5657
application; 5658

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

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

(8)(a) Enter into contracts with public and private facilities for the operation of facility services and enter into contracts with public and private community addiction and mental health service providers for the provision of community addiction and mental health services. The board may not contract with a residential facility subject to section 5119.34 of the Revised Code unless the facility is licensed by the director of mental health and addiction services and may not contract with a community addiction or mental health services provider to provide community addiction or mental health services unless the services are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under 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. 5691

If either the board or a facility or community addiction or 5692
mental health services provider with which the board contracts 5693
under this division proposes not to renew the contract or proposes 5694
substantial changes in contract terms, the other party shall be 5695
given written notice at least one hundred twenty days before the 5696
expiration date of the contract. During the first sixty days of 5697
this one hundred twenty-day period, both parties shall attempt to 5698
resolve any dispute through good faith collaboration and 5699
negotiation in order to continue to provide services to persons in 5700
need. If the dispute has not been resolved sixty days before the 5701
expiration date of the contract, either party may notify the 5702
department of mental health and addiction services of the 5703
unresolved dispute. The director may require both parties to 5704
submit the dispute to a third party with the cost to be shared by 5705
the board and the facility or provider. The third party shall 5706
issue to the board, the facility or provider, and the department 5707
recommendations on how the dispute may be resolved twenty days 5708
prior to the expiration date of the contract, unless both parties 5709
agree to a time extension. The director shall adopt rules 5710
establishing the procedures of this dispute resolution process. 5711

(b) With the prior approval of the director of mental health 5712
and addiction services, a board may operate a facility or provide 5713
a community addiction or mental health service as follows, if 5714
there is no other qualified private or public facility or 5715
community addiction or mental health services provider that is 5716
immediately available and willing to operate such a facility or 5717
provide the service: 5718

(i) In an emergency situation, any board may operate a 5719
facility or provide a community addiction or mental health service 5720
in order to provide essential services for the duration of the 5721
emergency; 5722

(ii) In a service district with a population of at least one 5723
hundred thousand but less than five hundred thousand, a board may 5724
operate a facility or provide a community addiction or mental 5725
health service for no longer than one year; 5726

(iii) In a service district with a population of less than 5727
one hundred thousand, a board may operate a facility or provide a 5728
community addiction or mental health service for no longer than 5729
one year, except that such a board may operate a facility or 5730
provide a community addiction or mental health service for more 5731
than one year with the prior approval of the director and the 5732
prior approval of the board of county commissioners, or of a 5733
majority of the boards of county commissioners if the district is 5734
a joint-county district. 5735

The director shall not give a board approval to operate a 5736
facility or provide a community addiction or mental health service 5737
under division (A)(8)(b)(ii) or (iii) of this section unless the 5738
director determines that it is not feasible to have the department 5739
operate the facility or provide the service. 5740

The director shall not give a board approval to operate a 5741
facility or provide a community addiction or mental health service 5742
under division (A)(8)(b)(iii) of this section unless the director 5743
determines that the board will provide greater administrative 5744
efficiency and more or better services than would be available if 5745
the board contracted with a private or public facility or 5746
community addiction or mental health services provider. 5747

The director shall not give a board approval to operate a 5748
facility previously operated by a person or other government 5749
entity unless the board has established to the director's 5750
satisfaction that the person or other government entity cannot 5751
effectively operate the facility or that the person or other 5752
government entity has requested the board to take over operation 5753
of the facility. The director shall not give a board approval to 5754

provide a community addiction or mental health service previously 5755
provided by a community addiction or mental health services 5756
provider unless the board has established to the director's 5757
satisfaction that the provider cannot effectively provide the 5758
service or that the provider has requested the board take over 5759
providing the service. 5760

The director shall review and evaluate a board's operation of 5761
a facility and provision of community addiction or mental health 5762
service under division (A)(8)(b) of this section. 5763

Nothing in division (A)(8)(b) of this section authorizes a 5764
board to administer or direct the daily operation of any facility 5765
or community addiction or mental health services provider, but a 5766
facility or provider may contract with a board to receive 5767
administrative services or staff direction from the board under 5768
the direction of the governing body of the facility or provider. 5769

(9) Approve fee schedules and related charges or adopt a unit 5770
cost schedule or other methods of payment for contract services 5771
provided by community addiction or mental health services 5772
providers in accordance with guidelines issued by the department 5773
as necessary to comply with state and federal laws pertaining to 5774
financial assistance; 5775

(10) Submit to the director and the county commissioners of 5776
the county or counties served by the board, and make available to 5777
the public, an annual report of the services under the 5778
jurisdiction of the board, including a fiscal accounting; 5779

(11) Establish, to the extent resources are available, a 5780
continuum of care, ~~which~~ that provides for prevention, treatment, 5781
support, and rehabilitation services and opportunities. The 5782
essential elements of the continuum of care shall include, ~~but are~~ 5783
~~not limited to,~~ the following components ~~in accordance with~~ 5784
~~section 5119.21 of the Revised Code:~~ 5785

(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;	5786 5787
(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;	5788 5789 5790
(c) Addiction and mental health services, including, but not limited to, outpatient, residential, partial <u>all of the following:</u>	5791 5792
<u>(i) Outpatient;</u>	5793
<u>(ii) Residential;</u>	5794
<u>(iii) Partial hospitalization, and, where;</u>	5795
<u>(iv) Where appropriate, inpatient care;</u>	5796
<u>(v) Sub-acute detoxification;</u>	5797
<u>(vi) Intensive and other supports;</u>	5798
<u>(vii) Recovery support;</u>	5799
<u>(viii) Prevention and wellness management;</u>	5800
<u>(ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction.</u>	5801 5802 5803
(d) Emergency services and crisis intervention;	5804
(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;	5805 5806
(f) The provision of services designed to develop social, community, and personal living skills;	5807 5808
(g) Access to a wide range of housing and the provision of residential treatment and support;	5809 5810
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	5811 5812 5813

(i) Recognition and encouragement of families, friends, 5814
neighborhood networks, especially networks that include racial and 5815
ethnic minorities, churches, community organizations, and 5816
community employment as natural supports for persons receiving 5817
addiction or mental health services; 5818

(j) Grievance procedures and protection of the rights of 5819
persons receiving addiction or mental health services; 5820

(k) Community psychiatric supportive treatment services, 5821
which includes continual individualized assistance and advocacy to 5822
ensure that needed services are offered and procured; 5823

(l) Any additional component the department, pursuant to 5824
section 5119.21 of the Revised Code, determines is necessary to 5825
establish the continuum of care. 5826

(12) Establish a method for evaluating referrals for 5827
involuntary commitment and affidavits filed pursuant to section 5828
5122.11 of the Revised Code in order to assist the probate 5829
division of the court of common pleas in determining whether there 5830
is probable cause that a respondent is subject to involuntary 5831
hospitalization and what alternative treatment is available and 5832
appropriate, if any; 5833

(13) Designate the treatment services, provider, facility, or 5834
other placement for each person involuntarily committed to the 5835
board pursuant to Chapter 5122. of the Revised Code. The board 5836
shall provide the least restrictive and most appropriate 5837
alternative that is available for any person involuntarily 5838
committed to it and shall assure that the listed services 5839
submitted and approved in accordance with division (B) of section 5840
340.08 of the Revised Code are available to severely mentally 5841
disabled persons residing within its service district. The board 5842
shall establish the procedure for authorizing payment for 5843
services, which may include prior authorization in appropriate 5844

circumstances. The board may provide for services directly to a 5845
severely mentally disabled person when life or safety is 5846
endangered and when no community mental health services provider 5847
is available to provide the service. 5848

(14) Ensure that apartments or rooms built, subsidized, 5849
renovated, rented, owned, or leased by the board or a community 5850
addiction or mental health services provider have been approved as 5851
meeting minimum fire safety standards and that persons residing in 5852
the rooms or apartments are receiving appropriate and necessary 5853
services, including culturally relevant services, from a community 5854
addiction or mental health services provider. This division does 5855
not apply to residential facilities licensed pursuant to section 5856
5119.34 of the Revised Code. 5857

(15) Establish a mechanism for obtaining advice and 5858
involvement of persons receiving publicly funded addiction or 5859
mental health services on matters pertaining to addiction and 5860
mental health services in the alcohol, drug addiction, and mental 5861
health service district; 5862

(16) Perform the duties required by rules adopted under 5863
section 5119.22 of the Revised Code regarding referrals by the 5864
board or mental health services providers under contract with the 5865
board of individuals with mental illness or severe mental 5866
disability to residential facilities as defined in division 5867
(A)(9)(b)(iii) of section 5119.34 of the Revised Code and 5868
effective arrangements for ongoing mental health services for the 5869
individuals. The board is accountable in the manner specified in 5870
the rules for ensuring that the ongoing mental health services are 5871
effectively arranged for the individuals. 5872

(B) The board shall establish such rules, operating 5873
procedures, standards, and bylaws, and perform such other duties 5874
as may be necessary or proper to carry out the purposes of this 5875
chapter. 5876

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

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

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section

121.22 of the Revised Code. 5909

Sec. 340.033. The array of treatment and support services for 5910
all levels of opioid and co-occurring drug addiction required by 5911
division (A)(11)(c)(ix) of section 340.03 of the Revised Code to 5912
be included in a continuum of care established under that section 5913
shall include at least ambulatory and sub-acute detoxification, 5914
non-intensive and intensive outpatient services, 5915
medication-assisted treatment, peer mentoring, residential 5916
treatment services, recovery housing pursuant to section 340.034 5917
of the Revised Code, and twelve-step approaches. The treatment and 5918
support services shall be made available in the service district 5919
of each board of alcohol, drug addiction, and mental health 5920
services, except that sub-acute detoxification and residential 5921
treatment services may be made available through a contract with 5922
one or more providers of sub-acute detoxification or residential 5923
treatment services located in other service districts. The 5924
treatment and support services shall be made available in a manner 5925
that ensures that service recipients are able to access the 5926
services they need for opioid and co-occurring drug addiction in 5927
an integrated manner and without delay when changing or obtaining 5928
additional treatment or support services for such addiction. An 5929
individual seeking a treatment or support service for opioid and 5930
co-occurring drug addiction included in a continuum of care shall 5931
not be denied the service on the basis that the service previously 5932
failed. 5933

Sec. 340.034. All of the following apply to the recovery 5934
housing required by section 340.033 of the Revised Code to be 5935
included in the array of treatment and support services for all 5936
levels of opioid and co-occurring drug addiction that are part of 5937
the continuum of care established by each board of alcohol, drug 5938
addiction, and mental health services pursuant to division (A)(11) 5939

of section 340.03 of the Revised Code: 5940

(A) The recovery housing shall not be owned or operated by a residential facility as defined in section 5119.34 of the Revised Code and instead shall be owned and operated by the following: 5941
5942
5943

(1) Except as provided in division (A)(2) of this section, a community addiction services provider or other local nongovernmental organization (including a peer-run recovery organization), as appropriate to the needs of the board's service district; 5944
5945
5946
5947
5948

(2) The board, if either of the following applies: 5949

(a) The board owns and operates the recovery housing on the effective date of this section. 5950
5951

(b) The board determines that there is an emergency need for the board to assume the ownership and operation of the recovery housing such as when an existing owner and operator of the recovery housing goes out of business, and the board considers the assumption of ownership and operation of the recovery housing to be its last resort. 5952
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(B) The recovery housing shall have protocols for all of the following: 5958
5959

(1) Administrative oversight; 5960

(2) Quality standards; 5961

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere. 5962
5963

(C) Family members of the recovery housing's residents may reside in the recovery housing to the extent the recovery housing's protocols permit. 5964
5965
5966

(D) The recovery housing shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, 5967
5968

each resident's duration of stay shall be determined by the 5969
resident's needs, progress, and willingness to abide by the 5970
recovery housing's protocols, in collaboration with the recovery 5971
housing's owner, and, if appropriate, in consultation and 5972
integration with a community addiction services provider. 5973

(E) The recovery housing may permit its residents to receive 5974
medication-assisted treatment at the recovery housing. 5975

(F) The recovery housing may not provide community addiction 5976
services but may assist a resident in obtaining community 5977
addiction services that are certified by the department of mental 5978
health and addiction services under section 5119.36 of the Revised 5979
Code. The community addiction services may be provided at the 5980
recovery housing or elsewhere. 5981

Sec. 340.08. In accordance with rules or guidelines issued by 5982
the director of mental health and addiction services, each board 5983
of alcohol, drug addiction, and mental health services shall do 5984
all of the following: 5985

(A) Submit to the department of mental health and addiction 5986
services a report of receipts and expenditures for all federal, 5987
state, and local moneys the board expects to receive+. 5988

(1) The report shall identify funds the board has available 5989
for the array of treatment and support services for all levels of 5990
opioid and co-occurring drug addiction required by division 5991
(A)(11)(c)(ix) of section 340.03 of the Revised Code to be 5992
included in the continuum of care established under that section. 5993

(2) The report shall identify funds the board and public 5994
children services agencies in the board's service district have 5995
available to fund jointly the services described in section 340.15 5996
of the Revised Code. 5997

~~(2)~~(3) The board's proposed budget for expenditures of state 5998

and federal funds distributed to the board by the department shall 5999
be deemed an application for funds, and the department shall 6000
approve or disapprove the budget for these expenditures. The 6001
department shall disapprove the board's proposed budget if the 6002
proposed budget would not make available in the board's service 6003
district the essential elements of the continuum of care required 6004
by division (A)(11) of section 340.03 of the Revised Code. The 6005
department shall inform the board of the reasons for disapproval 6006
of the budget for the expenditure of state and federal funds and 6007
of the criteria that must be met before the budget may be 6008
approved. The director shall provide the board an opportunity to 6009
present its case on behalf of the submitted budget. The director 6010
shall give the board a reasonable time in which to meet the 6011
criteria and shall offer the board technical assistance to help it 6012
meet the criteria. 6013

If a board determines that it is necessary to amend a budget 6014
that has been approved under this section, the board shall submit 6015
a proposed amendment to the director. The director may approve or 6016
disapprove all or part of the amendment. The director shall inform 6017
the board of the reasons for disapproval of all or part of the 6018
amendment and of the criteria that must be met before the 6019
amendment may be approved. The director shall provide the board an 6020
opportunity to present its case on behalf of the amendment. The 6021
director shall give the board a reasonable time in which to meet 6022
the criteria and shall offer the board technical assistance to 6023
help it meet the criteria. 6024

~~(3)~~(4) The director of mental health and addiction services, 6025
~~in whole or in part, may~~ shall withhold funds otherwise to be 6026
allocated to a board of alcohol, drug addiction, and mental health 6027
services under Chapter 5119. of the Revised Code if the board's 6028
use of state and federal funds fails to comply with the approved 6029
budget, as it may be amended with the approval of the department. 6030

(B) Submit to the department a statement identifying the 6031
services ~~described in section 340.09 of the Revised Code~~ the board 6032
intends to make available. The board shall include ~~crisis~~ 6033
~~intervention services for individuals in emergency situations~~ the 6034
services required by division (A)(11) of section 340.03 of the 6035
Revised Code to be included in the continuum of care and the 6036
services required ~~pursuant to~~ by section 340.15 of the Revised 6037
Code, ~~and the~~. The board shall explain the manner in which the 6038
board intends to make such services available. The list of 6039
services shall be compatible with the budget submitted pursuant to 6040
division (A) of this section. The department shall approve or 6041
disapprove the proposed listing of services to be made available. 6042
The department shall inform the board of the reasons for 6043
disapproval of the listing of proposed services and of the 6044
criteria that must be met before listing of proposed services may 6045
be approved. The director shall provide the board an opportunity 6046
to present its case on behalf of the submitted listing of proposed 6047
services. The director shall give the board a reasonable time in 6048
which to meet the criteria and shall offer the board technical 6049
assistance to help it meet the criteria. 6050

(C) Enter into a continuity of care agreement with the state 6051
institution operated by the department of mental health and 6052
addiction services and designated as the institution serving the 6053
district encompassing the board's service district. The continuity 6054
of care agreement shall outline the department's and the board's 6055
responsibilities to plan for and coordinate with each other to 6056
address the needs of board residents who are patients in the 6057
institution, with an emphasis on managing appropriate hospital bed 6058
day use and discharge planning. The continuity of care agreement 6059
shall not require the board to provide services other than those 6060
on the list of services submitted by the board and approved by the 6061
department pursuant to division (B) of this section. 6062

(D) In conjunction with the department of mental health and 6063
addiction services, operate a coordinated system for tracking and 6064
monitoring persons found not guilty by reason of insanity and 6065
committed pursuant to section 2945.40 of the Revised Code who have 6066
been granted a conditional release and persons found incompetent 6067
to stand trial and committed pursuant to section 2945.39 of the 6068
Revised Code who have been granted a conditional release. The 6069
system shall do all of the following: 6070

(1) Centralize responsibility for the tracking of those 6071
persons; 6072

(2) Provide for uniformity in monitoring those persons; 6073

(3) Provide a mechanism to allow prompt rehospitalization, 6074
reinstitutionalization, or detention when a violation of the 6075
conditional release or decompensation occurs. 6076

(E) Submit to the department a report summarizing complaints 6077
and grievances received by the board concerning the rights of 6078
persons seeking or receiving services, investigations of 6079
complaints and grievances, and outcomes of the investigations. 6080

(F) Provide to the department information to be submitted to 6081
the community addiction and mental health information system or 6082
systems established by the department under Chapter 5119. of the 6083
Revised Code. 6084

(G) Annually, and upon any change in membership, submit to 6085
the department a list of all current members of the board of 6086
alcohol, drug addiction, and mental health services, including the 6087
appointing authority for each member, and the member's specific 6088
qualification for appointment pursuant to section 340.02 or 6089
340.021 of the Revised Code, if applicable. 6090

(H) Submit to the department other information as is 6091
reasonably required for purposes of the department's operations, 6092
service evaluation, reporting activities, research, system 6093

administration, and oversight. 6094

Sec. 340.09. (A) The Using funds the general assembly 6095
appropriates for these purposes, the department of mental health 6096
and addiction services shall provide assistance to ~~any~~ each county 6097
for ~~the~~ all of the following: 6098

(1) The operation of ~~boards~~ the board of alcohol, drug 6099
addiction, and mental health services, serving the county; 6100

(2) The provision of services approved by the department 6101
within the continuum of care, ~~the~~ established pursuant to division 6102
(A)(11) of section 340.03 of the Revised Code; 6103

(3) The provision of approved support functions, ~~and the;~~ 6104

(4) The partnership in, or support for, approved continuum of 6105
care-related activities ~~from funds appropriated for that purpose~~ 6106
~~by the general assembly.~~ 6107

(B) ~~Categories in the continuum of care may include the~~ 6108
~~following:~~ 6109

~~(1) Inpatient;~~ 6110

~~(2) Residential;~~ 6111

~~(3) Outpatient treatment;~~ 6112

~~(4) Intensive and other supports;~~ 6113

~~(5) Recovery support;~~ 6114

~~(6) Prevention and wellness management.~~ 6115

~~(C)~~ Support functions may include the following: 6116

(1) Consultation; 6117

(2) Research; 6118

(3) Administrative; 6119

(4) Referral and information; 6120

- (5) Training; 6121
- (6) Service and program evaluation. 6122

Sec. 340.15. (A) A public children services agency that 6123
identifies a child by a risk assessment conducted pursuant to 6124
section 5153.16 of the Revised Code as being at imminent risk of 6125
being abused or neglected because of an addiction of a parent, 6126
guardian, or custodian of the child to a drug of abuse or alcohol 6127
shall refer the child's addicted parent, guardian, or custodian 6128
and, if the agency determines that the child needs alcohol or 6129
other drug addiction services, the child to a community addiction 6130
services provider certified by the department of mental health and 6131
addiction services under section 5119.36 of the Revised Code. A 6132
public children services agency that is sent a court order issued 6133
pursuant to division (B) of section 2151.3514 of the Revised Code 6134
shall refer the addicted parent or other caregiver of the child 6135
identified in the court order to a community addiction services 6136
provider certified by the department of mental health and 6137
addiction services under section 5119.36 of the Revised Code. On 6138
receipt of a referral under this division and to the extent 6139
funding identified under division (A)~~(1)~~(2) of section 340.08 of 6140
the Revised Code is available, the provider shall provide the 6141
following services to the addicted parent, guardian, custodian, or 6142
caregiver and child in need of addiction services: 6143

(1) If it is determined pursuant to an initial screening to 6144
be needed, assessment and appropriate treatment; 6145

(2) Documentation of progress in accordance with a treatment 6146
plan developed for the addicted parent, guardian, custodian, 6147
caregiver, or child; 6148

(3) If the referral is based on a court order issued pursuant 6149
to division (B) of section 2151.3514 of the Revised Code and the 6150
order requires the specified parent or other caregiver of the 6151

child to submit to alcohol or other drug testing during, after, or 6152
both during and after, treatment, testing in accordance with the 6153
court order. 6154

(B) The services described in division (A) of this section 6155
shall have a priority as provided in the addiction and mental 6156
health services plan and budget established pursuant to sections 6157
340.03 and 340.08 of the Revised Code. Once a referral has been 6158
received pursuant to this section, the public children services 6159
agency and the addiction services provider shall, in accordance 6160
with 42 C.F.R. Part 2, share with each other any information 6161
concerning the persons and services described in that division 6162
that the agency and provider determine are necessary to share. If 6163
the referral is based on a court order issued pursuant to division 6164
(B) of section 2151.3514 of the Revised Code, the results and 6165
recommendations of the addiction services provider also shall be 6166
provided and used as described in division (D) of that section. 6167
Information obtained or maintained by the agency or provider 6168
pursuant to this section that could enable the identification of 6169
any person described in division (A) of this section is not a 6170
public record subject to inspection or copying under section 6171
149.43 of the Revised Code. 6172

Sec. 340.20. (A) In accordance with the rules adopted under 6173
section 5119.363 of the Revised Code, each board of alcohol, drug 6174
addiction, and mental health services monthly shall do all of the 6175
following: 6176

(1) Compile on an aggregate basis the information the board 6177
receives that month from community addiction services providers 6178
under section 5119.362 of the Revised Code; 6179

(2) Determine the number of applications for treatment and 6180
support services included, pursuant to section 340.033 of the 6181
Revised Code, in the array of treatment and support services for 6182

all levels of opioid and co-occurring drug addiction that the 6183
board received in the immediately preceding month and that the 6184
board denied that month, each type of service so denied, and the 6185
reasons for the denials; 6186

(3) Subject to division (B) of this section, report all of 6187
the following to the department of mental health and addiction 6188
services: 6189

(a) The information that the board compiles under division 6190
(A)(1) of this section that month; 6191

(b) The information that the board determines under division 6192
(A)(2) of this section that month; 6193

(c) All other information required by the rules. 6194

(B) Each board shall report the information required by 6195
division (A)(3) of this section as follows: 6196

(1) In an electronic format; 6197

(2) In a manner that maintains the confidentiality of all 6198
individuals for whom information is included in the report; 6199

(3) In a manner that presents the information about the 6200
individuals whose information is included in the report by their 6201
counties of residence. 6202

Sec. 341.12. (A) In a county not having a sufficient jail or 6203
staff, subject to division (B) of this section, the sheriff shall 6204
convey any person charged with the commission of an offense, 6205
sentenced to imprisonment in the county jail, or in custody upon 6206
civil process to a jail in any county the sheriff considers most 6207
convenient and secure. As used in this paragraph, any county 6208
includes a contiguous county in an adjoining state. 6209

The sheriff may call such aid as is necessary in guarding, 6210
transporting, or returning such person. Whoever neglects or 6211

refuses to render such aid, when so called upon, shall forfeit and 6212
pay the sum of ten dollars, to be recovered by an action in the 6213
name and for the use of the county. 6214

Such sheriff and ~~his~~ the sheriff's assistants shall receive 6215
such compensation for their services as the county auditor of the 6216
county from which such person was removed considers reasonable. 6217
The compensation shall be paid from the county treasury on the 6218
warrant of the auditor. 6219

The receiving sheriff shall not, pursuant to this section, 6220
convey the person received to any county other than the one from 6221
which the person was removed. 6222

(B)(1) If Lawrence county does not have sufficient jail space 6223
in the county or staff based upon the minimum standards for jails 6224
in Ohio promulgated pursuant to section 5120.10 of the Revised 6225
Code, instead of conveying a person in a category described in 6226
division (A) of this section to a jail in any county pursuant to 6227
that division, the Lawrence county sheriff may convey the person 6228
to the Ohio river valley facility in accordance with section 6229
341.121 of the Revised Code. 6230

(2) If a county other than Lawrence county does not have 6231
sufficient jail space or staff based upon the minimum standards 6232
for jails in Ohio promulgated pursuant to section 5120.10 of the 6233
Revised Code and has entered into an agreement to jail persons 6234
with the Lawrence county sheriff, instead of conveying a person in 6235
a category described in division (A) of this section to a jail in 6236
any county pursuant to that division, the sheriff of the other 6237
county may convey the person to the Ohio river valley facility in 6238
accordance with section 341.121 of the Revised Code. 6239

(3) As used in divisions (B)(1) and (2) of this section, 6240
"Ohio river valley facility" has the same meaning as in section 6241
341.121 of the Revised Code. 6242

Sec. 341.121. (A) As used in this section, "Ohio river valley facility" means the former Ohio river valley juvenile correctional facility in Franklin Furnace, Scioto county, that formerly was operated by the department of youth services. 6243
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(B) The board of county commissioners of Lawrence county and the director of administrative services may enter into an agreement pursuant to which the sheriff of Lawrence county may use a specified portion of the Ohio river valley facility as a jail for Lawrence county. The agreement shall not provide for transfer of ownership of any portion of the Ohio river valley facility to Lawrence county. If the board and the department enter into an agreement of this nature, on and after the effective date of the agreement, all of the following apply: 6247
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(1) The sheriff of Lawrence county may use the specified portion of the Ohio river valley facility for the confinement of persons charged with a violation of a law or municipal ordinance, sentenced or ordered to confinement for such a violation in a jail, or in custody upon civil process, if the violation 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 pursuant to division (B)(2) of section 341.12 of the Revised Code for the confinement of such persons; 6256
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(2) Any use of the specified portion of the Ohio river valley facility for the confinement of a juvenile who is alleged to be or is adjudicated a delinquent child or juvenile traffic offender shall be in accordance with Chapter 2152. of the Revised Code; 6266
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(3) If the sheriff of Lawrence county uses the specified portion of the Ohio river valley facility for one or more of the purposes listed in division (B)(1) of this section and division (B)(2) of section 341.12 of the Revised Code, all of the following 6270
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apply during that use of that portion of the facility and during 6274
the period covered by the agreement entered into pursuant to 6275
division (B) of this section: 6276

(a) The sheriff has charge of the specified portion of the 6277
facility pursuant to that agreement and all persons confined in 6278
it, and shall keep those persons safely, attend to that portion of 6279
the facility, and regulate that portion of the facility according 6280
to the minimum standards for jails in Ohio promulgated pursuant to 6281
section 5120.10 of the Revised Code; 6282

(b) The sheriff has all responsibilities and duties regarding 6283
the operation and management of the specified portion of the 6284
facility, including, but not limited to, safe and secure operation 6285
of and staffing for the jail facility, food services, medical 6286
services, and other programs, services, and treatment of persons 6287
confined in it, and conveyance to and from that portion of the 6288
facility of persons who are to be or who have been confined in it, 6289
in the same manner as if that facility was a Lawrence county jail; 6290

(c) The sheriff may enter into one or more shared service 6291
agreements with any other entity leasing buildings at the Ohio 6292
river valley facility regarding any of the responsibilities and 6293
duties described in division (B)(3)(b) of this section or 6294
regarding any other service related to the operation of the 6295
facility; 6296

(d) All provisions of Chapter 341. of the Revised Code, 6297
except for sections 341.13 to 341.18 of the Revised Code, apply 6298
with respect to the specified portion of the Ohio river valley 6299
facility and to the sheriff in the same manner as if that portion 6300
of the facility was a Lawrence county jail, and sections 341.13 to 6301
341.18 of the Revised Code apply with respect to that portion of 6302
the facility and the sheriff if that portion of the facility is 6303
used for confinement of persons from a county other than Lawrence 6304
county pursuant to an agreement as described in division (B)(2) of 6305

section 341.12 of the Revised Code; 6306

(e) Lawrence county has all responsibility for the costs of operation of the specified portion of the facility, and for all potential liability related to the use or operation of that portion of the facility and damages to it, in the same manner as if that facility was a Lawrence county jail; 6307
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(f) The sheriff has all responsibility for investigating crimes and quelling disturbances that occur in the specified portion of the facility, and for assisting in the prosecution of such crimes, and the prosecuting attorney of Lawrence county and prosecutors of municipal corporations located in Lawrence county have responsibility for prosecution of such crimes, in the same manner as if that facility was a Lawrence county jail; 6312
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(g) The sheriff's use of the specified portion of the 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), and (3) of this section. 6319
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(5) If the sheriff of Lawrence county uses the specified portion of the Ohio river valley facility for one or more of the purposes listed in division (B)(1) of this section and division (B)(2) of section 341.12 of the Revised Code and subsequently ceases to use the specified portion of the facility for those purposes, the sheriff shall vacate the facility and control of the specified portion of the facility immediately shall revert to the state. 6323
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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. 6331
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In any city or county in which there is a symphony 6337
association, area arts council, art museum, or other similar 6338
organization, which is incorporated under sections 1702.01 to 6339
1702.58 of the Revised Code, without purpose of profit to any 6340
private member or individual, but organized for the purpose of the 6341
cultivation and performance of instrumental music, the promotion 6342
of the arts, or to maintain a symphony orchestra, the board of 6343
education of any school district in such city or the educational 6344
service center governing board serving such county, or both, may 6345
pay the symphony association, council, art museum, or other 6346
organization annually, in quarterly installments, in the case of a 6347
school district board of education, a sum of not to exceed one 6348
half of one cent on each one hundred dollars of the taxable 6349
property of the district and, in the case of an educational 6350
service center governing board, a sum of not to exceed one half of 6351
one cent on each one hundred dollars of the taxable property of 6352
the territory of the service center, as valued on the tax 6353
duplicate for the next year before the date of the payment. In 6354
order to qualify for such payments, the symphony association, arts 6355
council, art museum, or other organization shall, by proper 6356
resolution of its board of trustees or other governing body, 6357
accept all applicable provisions of sections 757.03 to 757.08 of 6358
the Revised Code, and file a certified copy of the resolution with 6359
the board of education of such district or with the governing 6360
board of such educational service center prior to the date of any 6361
payment. The first of such payments may be made in the year after 6362
the filing of such certified copy. 6363

Sec. 757.04. No symphony association, area arts council, art 6364
museum, or other similar organization may receive any of the 6365
payments provided for in section 757.03 of the Revised Code until 6366
the symphony association, council, art museum, or organization, by 6367
a proper resolution adopted by its board of trustees or other 6368

governing body, has tendered to the appropriate board of education 6369
or the educational service center governing board the following: 6370

(A) The right to nominate as trustees or as members of any 6371
other governing body of the symphony association, council, art 6372
museum, or organization three members consisting of the following: 6373

(1) One member of the board of education or the educational 6374
service center governing board; 6375

(2) Either the superintendent of schools of the school 6376
district or an educational service center, or an assistant 6377
superintendent of schools of the district or an educational 6378
service center; 6379

(3) One member of the music department of the schools 6380
maintained by the board of education, to be selected by the 6381
superintendent, all three of whom so nominated shall thereupon be 6382
elected as trustees or as members of any other governing body. 6383

(B) The right to nominate for membership on the executive 6384
committee of the symphony association, council, art museum, or 6385
organization one of the three trustees of the symphony 6386
association, council, art museum, or organization, representing 6387
the board of education or the educational service center governing 6388
board as the trustees pursuant to division (A) of this section, 6389
who shall thereupon be elected a member of the executive 6390
committee; 6391

(C) The right to require the orchestra maintained by the 6392
symphony association or any performing groups maintained by the 6393
council, art museum, or organization to provide such feasible 6394
performances for the public schools or for local school districts 6395
within the educational service center system maintained or 6396
supervised by the educational service center governing board, as 6397
in the joint judgment of the board of trustees of the symphony 6398
association, council, art museum, or organization, the 6399

superintendent, and the board of education of the school district 6400
or the educational service center governing board, will serve the 6401
largest interest of the school children of the school district or 6402
the area served by the educational service center. 6403

A copy of the resolution, certified by the president and 6404
secretary of the symphony association, council, art museum, or 6405
organization, shall be filed in the office of the board of 6406
education or in the office of the educational service center 6407
governing board as a condition precedent to the receipt by the 6408
association, council, art museum, or organization of any payments. 6409

Sec. 757.05. In any city or county in which there is a 6410
symphony association, an area arts council, an art museum, or 6411
other similar organization which is incorporated, organized, and 6412
operated in the manner and for the purposes stated in section 6413
757.03 of the Revised Code, such city or county, or both, may pay 6414
the symphony association, council, art museum, or organization 6415
annually, in quarterly installments, in the case of a city, a sum 6416
not to exceed one half of one cent on each one hundred dollars of 6417
taxable property of the city as ~~value~~ valued on the tax duplicate 6418
of the city or, in the case of a county, a sum not to exceed one 6419
half of one cent on each one hundred dollars of the taxable 6420
property of the county for the year next before the date of each 6421
payment. In order to qualify for such payments, the symphony 6422
association, council, art museum, or organization shall, by a 6423
proper resolution of its board of trustees or other governing 6424
body, accept all applicable provisions of sections 757.03 to 6425
757.08 of the Revised Code and file a certified copy of the 6426
resolution with the controller of the city or the board of county 6427
commissioners prior to the date of any payment. The first of such 6428
payments may be made in the year after the filing of such 6429
certified copy. 6430

Sec. 757.06. No symphony association, area arts council, art 6431
museum, or other similar organization may receive any of the 6432
payments provided for in section 757.05 of the Revised Code until 6433
the symphony association, council, art museum, or organization, by 6434
a proper resolution adopted by its board of trustees or other 6435
governing body, has tendered to the mayor, or to the legislative 6436
authority of the city if there is no mayor, or to the board of 6437
county commissioners, the following: 6438

(A) The right to nominate as trustees or as members of any 6439
other governing body of the symphony association, council, art 6440
museum, or organization, three members to be appointed by the 6441
mayor, or by the legislative authority of the city if there is no 6442
mayor, or by the board of county commissioners, one of which 6443
nominees may, in the discretion of such mayor or legislative 6444
authority, or board of county commissioners, be the mayor, or a 6445
member of the legislative authority, or the board of county 6446
commissioners, all three of whom so nominated shall thereupon be 6447
elected as trustees or as members of any other governing body; 6448

(B) The right to nominate for membership on the executive 6449
committee of the symphony association, council, art museum, or 6450
organization, one of the three trustees of the symphony 6451
association, council, art museum, or organization, representing 6452
the city or county as the trustees pursuant to division (A) of 6453
this section, which nominee may, in the discretion of the mayor or 6454
the legislative authority of the city if there is no mayor, or the 6455
board of county commissioners, be the mayor, or a member of the 6456
legislative authority, or the board of county commissioners, which 6457
nominee shall thereupon be elected a member of the executive 6458
committee; 6459

(C) The right to require the orchestra maintained by the 6460
symphony association or any performing groups maintained by the 6461

council or organization to provide such feasible popular 6462
performances at low cost, as in the joint judgment of the board of 6463
trustees of the symphony association, council, art museum, or 6464
organization, and the mayor or the legislative authority of the 6465
city if there is no mayor, or the board of county commissioners, 6466
will serve the largest interests of the citizens of the city or 6467
county. 6468

A copy of the resolution, certified by the president and 6469
secretary of the symphony association, council, art museum, or 6470
organization, shall be filed in the office of the city controller 6471
of the city or the board of county commissioners of the county, as 6472
a condition precedent to the receipt by the association ~~or~~ 6473
~~society, council, art museum, or similar organization~~ of any 6474
payments. 6475

Sec. 757.07. After any symphony association, area arts 6476
council, art museum, or other similar organization has once filed 6477
with the board of education, the city controller, or the board of 6478
county commissioners the resolutions provided for in sections 6479
757.03 to 757.06 of the Revised Code, it need not renew the same 6480
from year to year, but each original resolution continues in force 6481
for the purposes named until, by like resolution, likewise 6482
certified and filed, any original resolution is revoked or 6483
rescinded. 6484

Sec. 757.08. So long as any symphony association, area arts 6485
council, art museum, or other similar organization does all the 6486
things it agreed to do as considerations for the benefits to be 6487
received by it under sections 757.03 to 757.08 of the Revised 6488
Code, or is able, willing, and ready to perform the same, the 6489
appropriate board of education and the educational service center 6490
governing board and the city and county may continue to make the 6491
several payments as provided in such sections. 6492

Sec. 935.03. (A) Division (A) of section 935.02 of the Revised Code does not apply to any of the following:	6493 6494
(1) A person to which all of the following apply:	6495
(a) The person possesses a dangerous wild animal.	6496
(b) The person has been issued a license by the United States department of agriculture under the federal animal welfare act.	6497 6498
(c) The director of agriculture has determined that the person is in the process of becoming an accredited member of the association of zoos and aquariums or the zoological association of America.	6499 6500 6501 6502
(d) The director has informed the person that the person is exempt from division (A) of section 935.02 of the Revised Code.	6503 6504
(2) An organization to which all of the following apply:	6505
(a) The organization possesses a dangerous wild animal.	6506
(b) The director has determined that the organization is in the process of being accredited or verified by the global federation of animal sanctuaries as a wildlife sanctuary.	6507 6508 6509
(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code.	6510 6511
(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.	6512 6513
(B) Except for the purposes of divisions (A) and (B) of section 935.04 of the Revised Code, this chapter does not apply to any of the following:	6514 6515 6516
(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;	6517 6518 6519 6520

(2) A research facility as defined in the federal animal welfare act;	6521 6522
(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international;	6523 6524 6525
(4) A circus;	6526
(5) A wildlife rehabilitation facility that is issued a permit by the chief of the division of wildlife in rules adopted under section 1531.08 of the Revised Code and that rehabilitates dangerous wild animals or restricted snakes that are native to the state for the purpose of reintroduction into the wild;	6527 6528 6529 6530 6531
(6) A veterinarian that is providing temporary veterinary care to a dangerous wild animal or restricted snake;	6532 6533
(7) A wildlife sanctuary;	6534
(8) An individual who does not reside in this state, is traveling through this state with a dangerous wild animal or restricted snake, and does all of the following:	6535 6536 6537
(a) Confines the animal or snake in a cage at all times;	6538
(b) Confines the animal or snake in a cage that is not accessible to the public;	6539 6540
(c) Does not exhibit the animal or snake;	6541
(d) Is in the state not more than forty-eight hours unless the animal or snake is receiving veterinary care.	6542 6543
(9) An educational institution that displays a single dangerous wild animal as a sports mascot and that meets all of the following criteria:	6544 6545 6546
(a) An official of the educational institution has submitted an affidavit attesting that the institution will care for the animal as long as the animal lives and in a facility that is an	6547 6548 6549

accredited member of the association of zoos and aquariums or the 6550
zoological association of America. 6551

(b) The educational institution maintains a liability 6552
insurance policy with an insurer authorized or approved to write 6553
such insurance in this state that covers claims for injury or 6554
damage to persons or property caused by a dangerous wild animal. 6555
The amount of the insurance coverage shall be not less than one 6556
million dollars. 6557

(c) During display and transport, the educational institution 6558
confines the dangerous wild animal in a cage that does not permit 6559
physical contact between the animal and the public. 6560

(d) The educational institution began displaying a dangerous 6561
wild animal as a mascot prior to ~~the effective date of this~~ 6562
~~section~~ September 5, 2012. 6563

(10) Any person who has been issued a permit under section 6564
1533.08 of the Revised Code, provided that the permit lists each 6565
specimen of wild animal that is a dangerous wild animal or 6566
restricted snake in the person's possession; 6567

(11) Any person authorized to possess a dangerous wild animal 6568
or restricted snake under section 1531.25 of the Revised Code or 6569
rules adopted under it; 6570

(12) A mobility impaired person as defined in section 955.011 6571
of the Revised Code who possesses a dangerous wild animal 6572
specified in division (C)(20)(h) of section 935.01 of the Revised 6573
Code that has been trained by a nonprofit agency or is in such 6574
training to assist the mobility impaired person; 6575

(13) A deaf or hearing-impaired person who possesses a 6576
dangerous wild animal specified in division (C)(20)(h) of section 6577
935.01 of the Revised Code that has been trained by a nonprofit 6578
agency or is in such training to assist the deaf or 6579
hearing-impaired person; 6580

(14) A person who is blind as defined in section 955.011 of the Revised Code and possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the blind person.

Sec. 935.12. (A) Except as provided in division (B) of this section, a person that has been issued a permit under this chapter for a dangerous wild animal or animals shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules.

(B) A person that has been issued a wildlife shelter, wildlife propagation permit, or rescue facility permit under this chapter for a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code shall comply with both of the following:

(1) The requirements regarding the care of those animals established in regulations adopted under the federal animal welfare act;

(2) The requirements regarding the housing of those animals established in rules.

(C) A person that has been issued a restricted snake possession or restricted snake propagation permit under this chapter shall comply with ~~the requirements regarding the care and housing of those snakes established in standards adopted by the zoological association of America and in effect on September 5, 2012~~ all of the following regarding the housing of those snakes:

(1) An enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the snakes. The environment or devices shall be noninjurious and may include hot rocks, artificial lights, natural

sunlight, and heat strips. 6611

(2) An enclosure shall be provided with noninjurious 6612
substrate such as newspaper, processed wood shavings, rocks, sand, 6613
indoor-outdoor carpet, or other equivalent material. The substrate 6614
shall be disposed of or sanitized at intervals sufficient to 6615
ensure the health of the snakes. 6616

(3) An enclosure shall be constructed in a manner that offers 6617
enough space and complexity to allow free movement and access to 6618
varying thermal gradients as follows: 6619

(a) If a snake is a restricted snake specified in division 6620
(L)(2), (3), or (4) of section 935.01 of the Revised Code and 6621
lives in a primarily terrestrial habitat, all of the following 6622
apply: 6623

(i) The perimeter of the enclosure shall be not less than the 6624
length of the snake. 6625

(ii) The height of the enclosure shall be not less than five 6626
inches. 6627

(iii) For each additional snake permanently housed in an 6628
enclosure, the perimeter of the enclosure shall be increased by 6629
ten per cent of the perimeter of an enclosure that permanently 6630
houses only one snake. 6631

(b) If a snake is a restricted snake specified in division 6632
(L)(2), (3), or (4) of section 935.01 of the Revised Code and 6633
lives in a primarily arboreal habitat, all of the following apply: 6634

(i) The perimeter of the enclosure shall not be less than the 6635
length of the snake. 6636

(ii) The height of the enclosure shall be not less than 6637
twelve inches. 6638

(iii) For each additional snake permanently housed in an 6639
enclosure, the perimeter of the enclosure shall be increased by 6640

ten per cent of the perimeter of an enclosure that permanently 6641
houses only one snake. 6642

(c) If the snake is a restricted snake specified in division 6643
(L)(1) of section 935.01 of the Revised Code, all of the following 6644
apply: 6645

(i) The length of the enclosure shall not be less than forty 6646
per cent of the length of the snake. 6647

(ii) The width of the enclosure shall not be less than two 6648
feet. 6649

(iii) The height of the enclosure shall be not less than 6650
twelve inches. 6651

(iv) For each additional snake permanently housed in an 6652
enclosure, the length of the enclosure shall be increased by ten 6653
per cent of the length of an enclosure that permanently houses 6654
only one snake. 6655

(4) An enclosure shall be constructed of material that 6656
securely and effectively contains the snakes. The material used to 6657
construct the enclosure may include plastic, tempered or laminated 6658
glass, wood, or other equivalent material. The enclosure shall 6659
have surfaces that are nonporous and that can be thoroughly and 6660
repeatedly cleaned and disinfected. 6661

(5) The door or lid of an enclosure shall have a secure latch 6662
or lock attached to the exterior of the enclosure that when 6663
latched or locked prevents a snake from leaving the enclosure. 6664

Sec. 955.01. (A)(1) Except as otherwise provided in this 6665
section or in sections 955.011, 955.012, and 955.16 of the Revised 6666
Code, every person who owns, keeps, or harbors a dog more than 6667
three months of age shall file, on or after the first day of the 6668
applicable December, but before the thirty-first day of the 6669
applicable January, in the office of the county auditor of the 6670

county in which the dog is kept or harbored, an application for 6671
registration for a period of one year or three years or an 6672
application for a permanent registration. The board of county 6673
commissioners, by resolution, may extend the period for filing the 6674
application. The application shall state the age, sex, color, 6675
character of hair, whether short or long, and breed, if known, of 6676
the dog and the name and address of the owner of the dog. A 6677
registration fee of two dollars for each year of registration for 6678
a one-year or three-year registration or twenty dollars for a 6679
permanent registration for each dog shall accompany the 6680
application. However, the fee may exceed that amount if a greater 6681
fee has been established under division (A)(2) of this section or 6682
under section 955.14 of the Revised Code. 6683

(2) A board of county commissioners may establish a 6684
registration fee higher than the one provided for in division 6685
(A)(1) of this section for dogs more than nine months of age that 6686
have not been spayed or neutered, except that the higher 6687
registration fee permitted by this division shall not apply if a 6688
person registering a dog furnishes with the application either a 6689
certificate from a licensed veterinarian verifying that the dog 6690
should not be spayed or neutered because of its age or medical 6691
condition or because the dog is used or intended for use for show 6692
or breeding purposes or a certificate from the owner of the dog 6693
declaring that the owner holds a valid hunting license issued by 6694
the division of wildlife of the department of natural resources 6695
and that the dog is used or intended for use for hunting purposes. 6696
If the board establishes such a fee, the application for 6697
registration shall state whether the dog is spayed or neutered, 6698
and whether a licensed veterinarian has certified that the dog 6699
should not be spayed or neutered or the owner has stated that the 6700
dog is used or intended to be used for hunting purposes. The board 6701
may require a person who is registering a spayed or neutered dog 6702
to furnish with the application a certificate from a licensed 6703

veterinarian verifying that the dog is spayed or neutered. No 6704
person shall furnish a certificate under this division that the 6705
person knows to be false. 6706

(B) If the application for registration is not filed and the 6707
registration fee paid, on or before the thirty-first day of the 6708
applicable January of each year or, if the board of county 6709
commissioners by resolution has extended the date to a date later 6710
than the thirty-first day of January, the date established by the 6711
board, the auditor shall assess a penalty in an amount equal to 6712
the registration fee for one year upon the owner, keeper, or 6713
harborer, which shall be paid with the registration fee. 6714

(C) An animal shelter that keeps or harbors a dog more than 6715
three months of age is exempt from paying any fees imposed under 6716
division (A) or (B) of this section if it is a nonprofit 6717
organization that is exempt from federal income taxation under 6718
subsection 501(a) and described in subsection 501(c)(3) of the 6719
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 6720

Sec. 955.05. After the thirty-first day of January of any 6721
year, except as otherwise provided in section 955.012 or 955.16 of 6722
the Revised Code, every person, immediately upon becoming the 6723
owner, keeper, or harborer of any dog more than three months of 6724
age or brought from outside the state during any year, shall file 6725
like applications, with fees, as required by section 955.01 of the 6726
Revised Code, for registration for ~~the current year~~ a period of 6727
one year or three years or an application for permanent 6728
registration. If the application is not filed and the fee paid, 6729
within thirty days after the dog is acquired, becomes three months 6730
of age, or is brought from outside the state, the auditor shall 6731
assess a penalty in an amount equal to the registration fee for 6732
one year upon the owner, keeper, or harborer, which shall be paid 6733
with the registration fee. Thereafter, the owner, keeper, or 6734

harborer shall register the dog ~~for a period of one year or three~~ 6735
~~years or register the dog permanently as provided in section~~ 6736
955.01 of the Revised Code, as applicable. 6737

Every person becoming the owner of a kennel of dogs after the 6738
thirty-first day of January of any year shall file like 6739
applications, with fees, as required by section 955.04 of the 6740
Revised Code, for the registration of such kennel for the current 6741
calendar year. If such application is not filed and the fee paid 6742
within thirty days after the person becomes the owner of such 6743
kennel, the auditor shall assess a penalty in an amount equal to 6744
the registration fee upon the owner of such kennel. 6745

Sec. 955.06. (A) The owner, keeper, or harborer of a dog 6746
becoming three months of age after the first day of July in a 6747
calendar year and the owner, keeper, or harborer of a dog 6748
purchased outside the state after the first day of July in a 6749
calendar year shall register the dog ~~for one year.~~ The 6750
~~registration fee for any such dog shall be one half of the~~ 6751
~~original fee. Thereafter, the owner, keeper, or harborer shall~~ 6752
~~register the dog for a period of one year or three years or~~ 6753
~~register the dog permanently as provided in section 955.01 of the~~ 6754
~~Revised Code~~ in accordance with division (B), (C), or (D) of this 6755
section within ninety days of the dog's becoming three months of 6756
age or within ninety days of the date of the purchase of the dog, 6757
as applicable. 6758

(B) The owner, keeper, or harborer of a dog to which division 6759
(A) of this section applies may register the dog for the remainder 6760
of the current year. The fee for such a registration shall be 6761
one-half of the original fee for a one-year registration. 6762
Thereafter, the owner, keeper, or harborer shall register the dog 6763
for a period of one year, three years, or permanently as provided 6764
in section 955.01 of the Revised Code. 6765

(C) The owner, keeper, or harborer of a dog to which division 6766
(A) of this section applies may register the dog for a period 6767
consisting of the remainder of the current year and two additional 6768
years. The fee for such a registration shall be eighty-three per 6769
cent of the original fee for a three-year registration. 6770
Thereafter, the owner, keeper, or harborer shall register the dog 6771
for a period of one year, three years, or permanently as provided 6772
in section 955.01 of the Revised Code. 6773

(D) The owner, keeper, or harborer of a dog to which division 6774
(A) of this section applies may register the dog permanently. The 6775
fee for such a registration shall be the same as the original fee 6776
for a permanent registration. 6777

Sec. 1321.535. ~~(A)~~ Each applicant for a mortgage loan 6778
originator license shall submit to a written test that is 6779
developed and approved by the nationwide mortgage licensing system 6780
and registry and administered by a test provider approved by the 6781
nationwide mortgage licensing system and registry based upon 6782
reasonable standards. 6783

~~(1)~~(A) The test shall adequately measure the applicant's 6784
knowledge and comprehension in appropriate subject matters, 6785
including ethics and federal and state law related to mortgage 6786
origination, fraud, consumer protection, the nontraditional 6787
mortgage marketplace, and fair lending issues. 6788

~~(2)~~(B) An individual shall not be considered to have passed 6789
the test unless the individual ~~achieves a test score of~~ answers at 6790
least seventy-five per cent ~~correct answers on all~~ of the 6791
questions ~~and at least seventy five per cent correct answers on~~ 6792
~~all questions relating to Ohio mortgage lending laws and the Ohio~~ 6793
~~consumer sales practices act, Chapter 1345. of the Revised Code,~~ 6794
~~as it applies to registrants and licensees~~ correctly. 6795

~~(3)~~(C) An individual may retake the test three consecutive 6796

times provided the period between taking the tests is at least 6797
thirty days. 6798

~~(4)~~(D) After failing three consecutive tests, an individual 6799
shall be required to wait at least six months before taking the 6800
test again. 6801

~~(5)~~(E) If a mortgage loan originator fails to maintain a 6802
valid license for a period of five years or longer, the individual 6803
shall be required to retake the test. For this purpose, any time 6804
during which the individual is a registered mortgage loan 6805
originator shall not be taken into account. 6806

~~(B) Notwithstanding division (A) of this section, if the 6807
nationwide mortgage licensing system and registry fails to have in 6808
place a testing process that meets the criteria set forth in that 6809
division, the superintendent shall require, until that process is 6810
in place, evidence that the mortgage loan originator applicant 6811
passed a written test acceptable to the superintendent. 6812~~

Sec. 1321.55. (A) Every registrant shall keep records 6813
pertaining to loans made under sections 1321.51 to 1321.60 of the 6814
Revised Code. Such records shall be segregated from records 6815
pertaining to transactions that are not subject to these sections 6816
of the Revised Code. Every registrant shall preserve records 6817
pertaining to loans made under sections 1321.51 to 1321.60 of the 6818
Revised Code for at least two years after making the final entry 6819
on such records. Accounting systems maintained in whole or in part 6820
by mechanical or electronic data processing methods that provide 6821
information equivalent to that otherwise required are acceptable 6822
for this purpose. At least once each eighteen-month cycle, the 6823
division of financial institutions shall make or cause to be made 6824
an examination of records pertaining to loans made under sections 6825
1321.51 to 1321.60 of the Revised Code, for the purpose of 6826
determining whether the registrant is complying with these 6827

sections and of verifying the registrant's annual report. 6828

(B)(1) As required by the superintendent of financial 6829
institutions, each registrant shall file with the division each 6830
year a an annual report under oath or affirmation, on forms 6831
supplied by the division, concerning the business and operations 6832
for the preceding calendar year. Whenever a registrant operates 6833
two or more registered offices or whenever two or more affiliated 6834
registrants operate registered offices, then a composite report of 6835
the group of registered offices may be filed in lieu of individual 6836
reports. For purposes of compliance with this requirement, the 6837
superintendent may accept call reports or other reports of 6838
condition submitted to the nationwide mortgage licensing system 6839
and registry in lieu of the annual report. 6840

(2) The ~~division~~ superintendent shall publish annually an 6841
analysis of the information required under ~~division~~ divisions 6842
(B)(1) and (3) of this section, but the individual reports, 6843
whether filed with the superintendent or the nationwide mortgage 6844
licensing system and registry, shall not be public records and 6845
shall not be open to public inspection. 6846

(3) Each mortgage licensee shall submit to the nationwide 6847
mortgage licensing system and registry call reports or other 6848
reports of condition, which shall be in such form and shall 6849
contain such information as the nationwide mortgage licensing 6850
system and registry may require. 6851

(C)(1) The following information is confidential: 6852

(a) Examination information, and any information leading to 6853
or arising from an examination; 6854

(b) Investigation information, and any information arising 6855
from or leading to an investigation. 6856

(2) The information described in division (C)(1) of this 6857
section shall remain confidential for all purposes except when it 6858

is necessary for the superintendent to take official action 6859
regarding the affairs of a registrant or licensee, or in 6860
connection with criminal or civil proceedings to be initiated by a 6861
prosecuting attorney or the attorney general. This information may 6862
also be introduced into evidence or disclosed when and in the 6863
manner authorized by section 1181.25 of the Revised Code. 6864

(D) All application information, except social security 6865
numbers, employer identification numbers, financial account 6866
numbers, the identity of the institution where financial accounts 6867
are maintained, personal financial information, fingerprint cards 6868
and the information contained on such cards, and criminal 6869
background information, is a public record as defined in section 6870
149.43 of the Revised Code. 6871

(E) This section does not prevent the division of financial 6872
institutions from releasing to or exchanging with other financial 6873
institution regulatory authorities information relating to 6874
registrants and licensees. For this purpose, a "financial 6875
institution regulatory authority" includes a regulator of a 6876
business activity in which a registrant or licensee is engaged, or 6877
has applied to engage in, to the extent that the regulator has 6878
jurisdiction over a registrant or licensee engaged in that 6879
business activity. A registrant or licensee is engaged in a 6880
business activity, and a regulator of that business activity has 6881
jurisdiction over the registrant or licensee, whether the 6882
registrant or licensee conducts the activity directly or a 6883
subsidiary or affiliate of the registrant or licensee conducts the 6884
activity. 6885

(1) Any confidentiality or privilege arising under federal or 6886
state law with respect to any information or material provided to 6887
the nationwide mortgage licensing system and registry shall 6888
continue to apply to the information or material after the 6889
information or material has been provided to the nationwide 6890

mortgage licensing system and registry. The information and 6891
material so provided may be shared with all state and federal 6892
regulatory officials with mortgage industry oversight authority 6893
without the loss of confidentiality or privilege protections 6894
provided by federal law or the law of any state. Information or 6895
material described in division (E)(1) of this section to which 6896
confidentiality or privilege applies shall not be subject to any 6897
of the following: 6898

(a) Disclosure under any federal or state law governing 6899
disclosure to the public of information held by an officer or an 6900
agency of the federal government or of the respective state; 6901

(b) Subpoena or discovery, or admission into evidence, in any 6902
private civil action or administrative process, unless the person 6903
to whom such information or material pertains waives, in whole or 6904
in part and at the discretion of the person, any privilege held by 6905
the nationwide mortgage licensing system and registry with respect 6906
to that information or material. 6907

(2) The superintendent, in order to promote more effective 6908
regulation and reduce regulatory burden through supervisory 6909
information sharing, may enter into sharing arrangements with 6910
other governmental agencies, the conference of state bank 6911
supervisors, and the American association of residential mortgage 6912
regulators. 6913

(3) Any state law, including section 149.43 of the Revised 6914
Code, relating to the disclosure of confidential supervisory 6915
information or any information or material described in division 6916
(C)(1) or (E)(1) of this section that is inconsistent with this 6917
section shall be superseded by the requirements of this section. 6918

(F) This section shall not apply with respect to information 6919
or material relating to the employment history of, and publicly 6920
adjudicated disciplinary and enforcement actions against, mortgage 6921

loan originators that is included in the nationwide mortgage 6922
licensing system and registry for access by the public. 6923

(G) This section does not prevent the division from releasing 6924
information relating to registrants and licensees to the attorney 6925
general, to the superintendent of real estate and professional 6926
licensing for purposes relating to the administration of Chapters 6927
4735. and 4763. of the Revised Code, to the superintendent of 6928
insurance for purposes relating to the administration of Chapter 6929
3953. of the Revised Code, to the commissioner of securities for 6930
purposes relating to the administration of Chapter 1707. of the 6931
Revised Code, or to local law enforcement agencies and local 6932
prosecutors. Information the division releases pursuant to this 6933
section remains confidential. 6934

(H) The superintendent of financial institutions shall, by 6935
rule adopted in accordance with Chapter 119. of the Revised Code, 6936
establish a process by which mortgage loan originators may 6937
challenge information provided to the nationwide mortgage 6938
licensing system and registry by the superintendent. 6939

(I) No person, in connection with any examination or 6940
investigation conducted by the superintendent under sections 6941
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 6942
the following: 6943

(1) Circumvent, interfere with, obstruct, or fail to 6944
cooperate, including making a false or misleading statement, 6945
failing to produce records, or intimidating or suborning any 6946
witness; 6947

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 6948
any books, records, computer records, or other information; 6949

(3) Tamper with, alter, or manufacture any evidence. 6950

Sec. 1322.03. (A) An application for a certificate of 6951

registration as a mortgage broker shall be in writing, under oath, 6952
and in the form prescribed by the superintendent of financial 6953
institutions. The application shall be accompanied by a 6954
nonrefundable application fee of five hundred dollars for each 6955
location of an office to be maintained by the applicant in 6956
accordance with division (A) of section 1322.02 of the Revised 6957
Code and any additional fee required by the nationwide mortgage 6958
licensing system and registry. The application shall provide all 6959
of the following: 6960

(1) The location or locations where the business is to be 6961
transacted and whether any location is a residence. If any 6962
location where the business is to be transacted is a residence, 6963
the superintendent may require that the application be accompanied 6964
by a copy of a zoning permit authorizing the use of the residence 6965
for commercial purposes, or by a written opinion or other document 6966
issued by the county or political subdivision where the residence 6967
is located certifying that the use of the residence to transact 6968
business as a mortgage broker is not prohibited by the county or 6969
political subdivision. 6970

(2)(a) In the case of a sole proprietor, the name and address 6971
of the sole proprietor; 6972

(b) In the case of a partnership, the name and address of 6973
each partner; 6974

(c) In the case of a corporation, the name and address of 6975
each shareholder owning five per cent or more of the corporation; 6976

(d) In the case of any other entity, the name and address of 6977
any person that owns five per cent or more of the entity that will 6978
transact business as a mortgage broker. 6979

(3) Each applicant shall designate an employee or owner of 6980
the applicant as the applicant's operations manager. While acting 6981
as the operations manager, the employee or owner shall be licensed 6982

as a loan originator under sections 1322.01 to 1322.12 of the Revised Code and shall not be employed by any other mortgage broker. 6983
6984
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(4) Evidence that the person designated on the application pursuant to division (A)(3) of this section possesses at least three years of experience in the residential mortgage and lending field, which experience may include employment with or as a mortgage broker or with a depository institution, mortgage lending institution, or other lending institution, or possesses at least three years of other experience related specifically to the business of residential mortgage loans that the superintendent determines meets the requirements of division (A)(4) of this section; 6986
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(5) Evidence that the person designated on the application pursuant to division (A)(3) of this section has successfully completed the pre-licensing instruction requirements set forth in section 1322.031 of the Revised Code; 6996
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(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with sections 1322.01 to 1322.12 of the Revised Code; 7000
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(7) In the case of a foreign business entity, evidence that it maintains a license or registration pursuant to Chapter 1703., 1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to transact business in this state; 7003
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7005
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(8) Evidence that the applicant's operations manager has successfully completed the written test required ~~under division (A) of~~ by section 1322.051 of the Revised Code; 7007
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(9) Any further information that the superintendent requires. 7010

(B) Upon the filing of the application and payment of the nonrefundable application fee and any fee required by the nationwide mortgage licensing system and registry, the 7011
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superintendent of financial institutions shall investigate the 7014
applicant, and any individual whose identity is required to be 7015
disclosed in the application, as set forth in division (B) of this 7016
section. 7017

(1)(a) Notwithstanding division (K) of section 121.08 of the 7018
Revised Code, the superintendent shall obtain a criminal history 7019
records check and, as part of that records check, request that 7020
criminal record information from the federal bureau of 7021
investigation be obtained. To fulfill this requirement, the 7022
superintendent shall do either of the following: 7023

(i) Request the superintendent of the bureau of criminal 7024
identification and investigation, or a vendor approved by the 7025
bureau, to conduct a criminal records check based on the 7026
applicant's fingerprints or, if the fingerprints are unreadable, 7027
based on the applicant's social security number, in accordance 7028
with division (A)(12) of section 109.572 of the Revised Code; 7029

(ii) Authorize the nationwide mortgage licensing system and 7030
registry to request a criminal history background check. 7031

(b) Any fee required under division (C)(3) of section 109.572 7032
of the Revised Code or by the nationwide mortgage licensing system 7033
and registry shall be paid by the applicant. 7034

(2) The superintendent shall conduct a civil records check. 7035

(3) If, in order to issue a certificate of registration to an 7036
applicant, additional investigation by the superintendent outside 7037
this state is necessary, the superintendent may require the 7038
applicant to advance sufficient funds to pay the actual expenses 7039
of the investigation, if it appears that these expenses will 7040
exceed five hundred dollars. The superintendent shall provide the 7041
applicant with an itemized statement of the actual expenses that 7042
the applicant is required to pay. 7043

(C) The superintendent shall pay all funds advanced and 7044

application and renewal fees and penalties the superintendent 7045
receives pursuant to this section and section 1322.04 of the 7046
Revised Code to the treasurer of state to the credit of the 7047
consumer finance fund created in section 1321.21 of the Revised 7048
Code. 7049

(D) If an application for a mortgage broker certificate of 7050
registration does not contain all of the information required 7051
under division (A) of this section, and if that information is not 7052
submitted to the superintendent or to the nationwide mortgage 7053
licensing system and registry within ninety days after the 7054
superintendent or the nationwide mortgage licensing system and 7055
registry requests the information in writing, including by 7056
electronic transmission or facsimile, the superintendent may 7057
consider the application withdrawn. 7058

(E) A mortgage broker certificate of registration and the 7059
authority granted under that certificate is not transferable or 7060
assignable and cannot be franchised by contract or any other 7061
means. 7062

(F) The registration requirements of this chapter apply to 7063
any person acting as a mortgage broker, and no person is exempt 7064
from the requirements of this chapter on the basis of prior work 7065
or employment as a mortgage broker. 7066

(G) The superintendent may establish relationships or enter 7067
into contracts with the nationwide mortgage licensing system and 7068
registry, or any entities designated by it, to collect and 7069
maintain records and process transaction fees or other fees 7070
related to mortgage broker certificates of registration or the 7071
persons associated with a mortgage broker. 7072

Sec. 1322.031. (A) An application for a license as a loan 7073
originator shall be in writing, under oath, and in the form 7074
prescribed by the superintendent of financial institutions. The 7075

application shall be accompanied by a nonrefundable application 7076
fee of one hundred fifty dollars and any additional fee required 7077
by the nationwide mortgage licensing system and registry. 7078

(B)(1) The application shall provide evidence, acceptable to 7079
the superintendent, that the applicant has successfully completed 7080
at least twenty-four hours of pre-licensing instruction consisting 7081
of all of the following: 7082

(a) Twenty hours of instruction in a course or program of 7083
study reviewed and approved by the nationwide mortgage licensing 7084
system and registry; 7085

(b) Four hours of instruction in a course or program of study 7086
reviewed and approved by the superintendent concerning state 7087
lending laws and the Ohio consumer sales practices act, Chapter 7088
1345. of the Revised Code, as it applies to registrants and 7089
licensees. 7090

(2) Notwithstanding division (B)(1) of this section, until 7091
the nationwide mortgage licensing system and registry implements a 7092
review and approval program, the application shall provide 7093
evidence, as determined by the superintendent, that the applicant 7094
has successfully completed at least twenty-four hours of 7095
instruction in a course or program of study approved by the 7096
superintendent that consists of at least all of the following: 7097

(a) Four hours of instruction concerning state and federal 7098
mortgage lending laws, which shall include no less than two hours 7099
on this chapter; 7100

(b) Four hours of instruction concerning the Ohio consumer 7101
sales practices act, Chapter 1345. of the Revised Code, as it 7102
applies to registrants and licensees; 7103

(c) Four hours of instruction concerning the loan application 7104
process; 7105

(d) Two hours of instruction concerning the underwriting process;	7106 7107
(e) Two hours of instruction concerning the secondary market for mortgage loans;	7108 7109
(f) Four hours of instruction concerning the loan closing process;	7110 7111
(g) Two hours of instruction covering basic mortgage financing concepts and terms;	7112 7113
(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.	7114 7115 7116 7117 7118
(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.	7119 7120 7121 7122
(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.	7123 7124 7125 7126 7127 7128
(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.	7129 7130 7131 7132 7133
(C) In addition to the information required under division (B) of this section, the application shall provide both of the	7134 7135

following:	7136
(1) Evidence that the applicant passed a written test that meets the requirements described in division (B) of section 1322.051 of the Revised Code;	7137 7138 7139
(2) Any further information that the superintendent requires.	7140
(D) Upon the filing of the application and payment of the application fee and any fee required by the nationwide mortgage licensing system and registry, the superintendent of financial institutions shall investigate the applicant as set forth in division (D) of this section.	7141 7142 7143 7144 7145
(1)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of the records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:	7146 7147 7148 7149 7150 7151
(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with division (A)(12) of section 109.572 of the Revised Code;	7152 7153 7154 7155 7156 7157
(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check.	7158 7159
(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant.	7160 7161 7162
(2) The superintendent shall conduct a civil records check.	7163
(3) If, in order to issue a license to an applicant, additional investigation by the superintendent outside this state	7164 7165

is necessary, the superintendent may require the applicant to 7166
advance sufficient funds to pay the actual expenses of the 7167
investigation, if it appears that these expenses will exceed one 7168
hundred fifty dollars. The superintendent shall provide the 7169
applicant with an itemized statement of the actual expenses that 7170
the applicant is required to pay. 7171

(E)(1) In connection with applying for a loan originator 7172
license, the applicant shall furnish to the nationwide mortgage 7173
licensing system and registry the following information concerning 7174
the applicant's identity: 7175

(a) The applicant's fingerprints for submission to the 7176
federal bureau of investigation, and any other governmental agency 7177
or entity authorized to receive such information, for purposes of 7178
a state, national, and international criminal history background 7179
check; 7180

(b) Personal history and experience in a form prescribed by 7181
the nationwide mortgage licensing system and registry, along with 7182
authorization for the superintendent and the nationwide mortgage 7183
licensing system and registry to obtain the following: 7184

(i) An independent credit report from a consumer reporting 7185
agency; 7186

(ii) Information related to any administrative, civil, or 7187
criminal findings by any governmental jurisdiction. 7188

(2) In order to effectuate the purposes of divisions 7189
(E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent 7190
may use the conference of state bank supervisors, or a wholly 7191
owned subsidiary, as a channeling agent for requesting information 7192
from and distributing information to the United States department 7193
of justice or any other governmental agency. The superintendent 7194
may also use the nationwide mortgage licensing system and registry 7195
as a channeling agent for requesting information from and 7196

distributing information to any source related to matters subject 7197
to those divisions of this section. 7198

(F) The superintendent shall pay all funds advanced and 7199
application and renewal fees and penalties the superintendent 7200
receives pursuant to this section and section 1322.041 of the 7201
Revised Code to the treasurer of state to the credit of the 7202
consumer finance fund created in section 1321.21 of the Revised 7203
Code. 7204

(G) If an application for a loan originator license does not 7205
contain all of the information required under this section, and if 7206
that information is not submitted to the superintendent or to the 7207
nationwide mortgage licensing system and registry within ninety 7208
days after the superintendent or the nationwide mortgage licensing 7209
system and registry requests the information in writing, including 7210
by electronic transmission or facsimile, the superintendent may 7211
consider the application withdrawn. 7212

(H)(1) The business of a loan originator shall principally be 7213
transacted at an office of the mortgage broker with whom the 7214
licensee is employed or associated, which office is registered in 7215
accordance with division (A) of section 1322.02 of the Revised 7216
Code. Each original loan originator license shall be deposited 7217
with and maintained by the mortgage broker at the mortgage 7218
broker's main office. A copy of the license shall be maintained 7219
and displayed at the office where the loan originator principally 7220
transacts business. 7221

(2) If a loan originator's employment or association is 7222
terminated for any reason, the mortgage broker shall return the 7223
original loan originator license to the superintendent within five 7224
business days after the termination. The licensee may request the 7225
transfer of the license to another mortgage broker by submitting a 7226
transfer application, along with a fifteen dollar fee and any fee 7227
required by the national mortgage licensing system and registry, 7228

to the superintendent or may request the superintendent in writing 7229
to hold the license in escrow. Any licensee whose license is held 7230
in escrow shall cease activity as a loan originator. A licensee 7231
whose license is held in escrow shall be required to apply for 7232
renewal annually and to comply with the annual continuing 7233
education requirement. 7234

(3) A mortgage broker may employ or be associated with a loan 7235
originator on a temporary basis pending the transfer of the loan 7236
originator's license to the mortgage broker, if the mortgage 7237
broker receives written confirmation from the superintendent that 7238
the loan originator is licensed under sections 1322.01 to 1322.12 7239
of the Revised Code. 7240

(4) Notwithstanding divisions (H)(1) to (3) of this section, 7241
if a licensee is employed by or associated with a person or entity 7242
listed in division (G)(2) of section 1322.01 of the Revised Code, 7243
all of the following apply: 7244

(a) The licensee shall maintain and display the original loan 7245
originator license at the office where the licensee principally 7246
transacts business; 7247

(b) If the loan originator's employment or association is 7248
terminated, the loan originator shall return the original loan 7249
originator license to the superintendent within five business days 7250
after termination. The licensee may request the transfer of the 7251
license to a mortgage broker or another person or entity listed in 7252
division (G)(2) of section 1322.01 of the Revised Code by 7253
submitting a transfer application, along with a fifteen-dollar fee 7254
and any fee required by the national mortgage licensing system and 7255
registry, to the superintendent or may request the superintendent 7256
in writing to hold the license in escrow. A licensee whose license 7257
is held in escrow shall cease activity as a loan originator. A 7258
licensee whose license is held in escrow shall be required to 7259
apply for renewal annually and to comply with the annual 7260

continuing education requirement. 7261

(c) The licensee may seek to be employed or associated with a 7262
mortgage broker or person or entity listed in division (G)(2) of 7263
section 1322.01 of the Revised Code if the mortgage broker or 7264
person or entity receives written confirmation from the 7265
superintendent that the loan originator is licensed under sections 7266
1322.01 to 1322.12 of the Revised Code. 7267

(I) The superintendent may establish relationships or enter 7268
into contracts with the nationwide mortgage licensing system and 7269
registry, or any entities designated by it, to collect and 7270
maintain records and process transaction fees or other fees 7271
related to loan originator licenses or the persons associated with 7272
a licensee. 7273

(J) A loan originator license, or the authority granted under 7274
that license, is not assignable and cannot be franchised by 7275
contract or any other means. 7276

Sec. 1322.04. (A) Upon the conclusion of the investigation 7277
required under division (B) of section 1322.03 of the Revised 7278
Code, the superintendent of financial institutions shall issue a 7279
certificate of registration to the applicant if the superintendent 7280
finds that the following conditions are met: 7281

(1) The application is accompanied by the application fee and 7282
any fee required by the nationwide mortgage licensing system and 7283
registry. 7284

(a) If a check or other draft instrument is returned to the 7285
superintendent for insufficient funds, the superintendent shall 7286
notify the applicant by certified mail, return receipt requested, 7287
that the application will be withdrawn unless the applicant, 7288
within thirty days after receipt of the notice, submits the 7289
application fee and a one-hundred-dollar penalty to the 7290

superintendent. If the applicant does not submit the application 7291
fee and penalty within that time period, or if any check or other 7292
draft instrument used to pay the fee or penalty is returned to the 7293
superintendent for insufficient funds, the application shall be 7294
withdrawn. 7295

(b) If a check or other draft instrument is returned to the 7296
superintendent for insufficient funds after the certificate of 7297
registration has been issued, the superintendent shall notify the 7298
registrant by certified mail, return receipt requested, that the 7299
certificate of registration issued in reliance on the check or 7300
other draft instrument will be canceled unless the registrant, 7301
within thirty days after receipt of the notice, submits the 7302
application fee and a one-hundred-dollar penalty to the 7303
superintendent. If the registrant does not submit the application 7304
fee and penalty within that time period, or if any check or other 7305
draft instrument used to pay the fee or penalty is returned to the 7306
superintendent for insufficient funds, the certificate of 7307
registration shall be canceled immediately without a hearing, and 7308
the registrant shall cease activity as a mortgage broker. 7309

(2) If the application is for a location that is a residence, 7310
evidence that the use of the residence to transact business as a 7311
mortgage broker is not prohibited. 7312

(3) The person designated on the application pursuant to 7313
division (A)(3) of section 1322.03 of the Revised Code meets the 7314
experience requirements provided in division (A)(4) of section 7315
1322.03 of the Revised Code and the education requirements set 7316
forth in division (A)(5) of section 1322.03 of the Revised Code. 7317

(4) The applicant maintains all necessary filings and 7318
approvals required by the secretary of state. 7319

(5) The applicant complies with the surety bond requirements 7320
of section 1322.05 of the Revised Code. 7321

(6) The applicant complies with sections 1322.01 to 1322.12 7322
of the Revised Code and the rules adopted thereunder. 7323

(7) Neither the applicant nor any person whose identity is 7324
required to be disclosed on an application for a mortgage broker 7325
certificate of registration has had a mortgage broker certificate 7326
of registration or loan originator license, or any comparable 7327
authority, revoked in any governmental jurisdiction or has pleaded 7328
guilty or nolo contendere to or been convicted of any of the 7329
following in a domestic, foreign, or military court: 7330

(a) During the seven-year period immediately preceding the 7331
date of application for the certificate of registration, a 7332
misdemeanor involving theft or any felony; 7333

(b) At any time prior to the date the application for the 7334
certificate of registration is approved, a felony involving an act 7335
of fraud, dishonesty, a breach of trust, theft, or money 7336
laundering. 7337

(8) Based on the totality of the circumstances and 7338
information submitted in the application, the applicant has proven 7339
to the superintendent, by a preponderance of the evidence, that 7340
the applicant is of good business repute, appears qualified to act 7341
as a mortgage broker, has fully complied with sections 1322.01 to 7342
1322.12 of the Revised Code and the rules adopted thereunder, and 7343
meets all of the conditions for issuing a mortgage broker 7344
certificate of registration. 7345

(9) The applicant's operations manager successfully completed 7346
the examination required ~~under division (A) of~~ by section 1322.051 7347
of the Revised Code. 7348

(10) The applicant's financial responsibility, experience, 7349
character, and general fitness command the confidence of the 7350
public and warrant the belief that the business will be operated 7351
honestly and fairly in compliance with the purposes of sections 7352

1322.01 to 1322.12 of the Revised Code and the rules adopted 7353
thereunder. The superintendent shall not use a credit score as the 7354
sole basis for registration denial. 7355

(B) For purposes of determining whether an applicant that is 7356
a partnership, corporation, or other business entity or 7357
association has met the conditions set forth in divisions (A)(7), 7358
(A)(8), and (A)(10) of this section, the superintendent shall 7359
determine which partners, shareholders, or persons named in the 7360
application pursuant to division (A)(2) of section 1322.03 of the 7361
Revised Code must meet the conditions set forth in divisions 7362
(A)(7), (A)(8), and (A)(10) of this section. This determination 7363
shall be based on the extent and nature of the partner's, 7364
shareholder's, or person's ownership interest in the partnership, 7365
corporation, or other business entity or association that is the 7366
applicant and on whether the person is in a position to direct, 7367
control, or adversely influence the operations of the applicant. 7368

(C) The certificate of registration issued pursuant to 7369
division (A) of this section may be renewed annually on or before 7370
the thirty-first day of December if the superintendent finds that 7371
all of the following conditions are met: 7372

(1) The renewal application is accompanied by a nonrefundable 7373
renewal fee of five hundred dollars for each location of an office 7374
to be maintained by the applicant in accordance with division (A) 7375
of section 1322.02 of the Revised Code and any fee required by the 7376
nationwide mortgage licensing system and registry. If a check or 7377
other draft instrument is returned to the superintendent for 7378
insufficient funds, the superintendent shall notify the registrant 7379
by certified mail, return receipt requested, that the certificate 7380
of registration renewed in reliance on the check or other draft 7381
instrument will be canceled unless the registrant, within thirty 7382
days after receipt of the notice, submits the renewal fee and a 7383
one-hundred-dollar penalty to the superintendent. If the 7384

registrant does not submit the renewal fee and penalty within that 7385
time period, or if any check or other draft instrument used to pay 7386
the fee or penalty is returned to the superintendent for 7387
insufficient funds, the certificate of registration shall be 7388
canceled immediately without a hearing and the registrant shall 7389
cease activity as a mortgage broker. 7390

(2) The operations manager designated under division (A)(3) 7391
of section 1322.03 of the Revised Code has completed, at least 7392
eight hours of continuing education as required under section 7393
1322.052 of the Revised Code. 7394

(3) The applicant meets the conditions set forth in divisions 7395
(A)(2) to (10) of this section. 7396

(4) The applicant's mortgage broker certificate of 7397
registration is not subject to an order of suspension or an unpaid 7398
and past due fine imposed by the superintendent. 7399

(D)(1) Subject to division (D)(2) of this section, if a 7400
renewal fee or additional fee required by the nationwide mortgage 7401
licensing system and registry is received by the superintendent 7402
after the thirty-first day of December, the mortgage broker 7403
certificate of registration shall not be considered renewed, and 7404
the applicant shall cease activity as a mortgage broker. 7405

(2) Division (D)(1) of this section shall not apply if the 7406
applicant, no later than the thirty-first day of January, submits 7407
the renewal fee or additional fee and a one-hundred-dollar penalty 7408
to the superintendent. 7409

(E) If the person designated as the operations manager 7410
pursuant to division (A)(3) of section 1322.03 of the Revised Code 7411
is no longer the operations manager, the registrant shall do all 7412
of the following: 7413

(1) Within ninety days after the departure of the designated 7414
operations manager, designate another person as the operations 7415

manager; 7416

(2) Within ten days after the designation described in 7417
division (E)(1) of this section, notify the superintendent in 7418
writing of the designation; 7419

(3) Submit any additional information that the superintendent 7420
requires to establish that the newly designated operations manager 7421
complies with the requirements set forth in section 1322.03 of the 7422
Revised Code. 7423

(F) The registrant shall cease operations if it is without an 7424
operations manager approved by the superintendent for more than 7425
one hundred eighty days unless otherwise authorized in writing by 7426
the superintendent due to exigent circumstances. 7427

(G) Mortgage broker certificates of registration issued on or 7428
after May 1, 2010, annually expire on the thirty-first day of 7429
December. 7430

Sec. 1322.041. (A) Upon the conclusion of the investigation 7431
required under division (D) of section 1322.031 of the Revised 7432
Code, the superintendent of financial institutions shall issue a 7433
loan originator license to the applicant if the superintendent 7434
finds that the following conditions are met: 7435

(1) The application is accompanied by the application fee and 7436
any fee required by the nationwide mortgage licensing system and 7437
registry. 7438

(a) If a check or other draft instrument is returned to the 7439
superintendent for insufficient funds, the superintendent shall 7440
notify the applicant by certified mail, return receipt requested, 7441
that the application will be withdrawn unless the applicant, 7442
within thirty days after receipt of the notice, submits the 7443
application fee and a one-hundred-dollar penalty to the 7444
superintendent. If the applicant does not submit the application 7445

fee and penalty within that time period, or if any check or other 7446
draft instrument used to pay the fee or penalty is returned to the 7447
superintendent for insufficient funds, the application shall be 7448
withdrawn. 7449

(b) If a check or other draft instrument is returned to the 7450
superintendent for insufficient funds after the license has been 7451
issued, the superintendent shall notify the licensee by certified 7452
mail, return receipt requested, that the license issued in 7453
reliance on the check or other draft instrument will be canceled 7454
unless the licensee, within thirty days after receipt of the 7455
notice, submits the application fee and a one-hundred-dollar 7456
penalty to the superintendent. If the licensee does not submit the 7457
application fee and penalty within that time period, or if any 7458
check or other draft instrument used to pay the fee or penalty is 7459
returned to the superintendent for insufficient funds, the license 7460
shall be canceled immediately without a hearing, and the licensee 7461
shall cease activity as a loan originator. 7462

(2) The applicant complies with sections 1322.01 to 1322.12 7463
of the Revised Code and the rules adopted thereunder. 7464

(3) The applicant has not been convicted of or pleaded guilty 7465
or nolo contendere to any of the following in a domestic, foreign, 7466
or military court: 7467

(a) During the seven-year period immediately preceding the 7468
date of application for the license, a misdemeanor involving theft 7469
or any felony; 7470

(b) At any time prior to the date the application for the 7471
license is approved, a felony involving an act of fraud, 7472
dishonesty, a breach of trust, theft, or money laundering. 7473

(4) Based on the totality of the circumstances and 7474
information submitted in the application, the applicant has proven 7475
to the superintendent, by a preponderance of the evidence, that 7476

the applicant is of good business repute, appears qualified to act 7477
as a loan originator, has fully complied with sections 1322.01 to 7478
1322.12 of the Revised Code and the rules adopted thereunder, and 7479
meets all of the conditions for issuing a loan originator license. 7480

(5) The applicant successfully completed the written test 7481
required ~~under division (B) of~~ by section 1322.051 of the Revised 7482
Code and completed the prelicensing instruction set forth in 7483
division (B) of section 1322.031 of the Revised Code. 7484

(6) The applicant's financial responsibility, character, and 7485
general fitness command the confidence of the public and warrant 7486
the belief that the business will be operated honestly and fairly 7487
in compliance with the purposes of sections 1322.01 to 1322.12 of 7488
the Revised Code. The superintendent shall not use a credit score 7489
as the sole basis for a license denial. 7490

(7) The applicant is in compliance with the surety bond 7491
requirements of section 1322.05 of the Revised Code. 7492

(8) The applicant has not had a loan originator license, or 7493
comparable authority, revoked in any governmental jurisdiction. 7494

(B) The license issued under division (A) of this section may 7495
be renewed annually on or before the thirty-first day of December 7496
if the superintendent finds that all of the following conditions 7497
are met: 7498

(1) The renewal application is accompanied by a nonrefundable 7499
renewal fee of one hundred fifty dollars and any fee required by 7500
the nationwide mortgage licensing system and registry. If a check 7501
or other draft instrument is returned to the superintendent for 7502
insufficient funds, the superintendent shall notify the licensee 7503
by certified mail, return receipt requested, that the license 7504
renewed in reliance on the check or other draft instrument will be 7505
canceled unless the licensee, within thirty days after receipt of 7506
the notice, submits the renewal fee and a one-hundred-dollar 7507

penalty to the superintendent. If the licensee 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 license
shall be canceled immediately without a hearing, and the licensee
shall cease activity as a loan originator.

(2) The applicant has completed at least eight hours of
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 7538
(A)(3) of section 1322.03 of the Revised Code to act as operations 7539
manager for a mortgage broker business ~~shall submit to a written~~ 7540
~~test approved by the superintendent of financial institutions. An~~ 7541
~~individual shall not be considered to have passed the written test~~ 7542
~~unless the individual achieves a test score of at least~~ 7543
~~seventy five per cent correct answers to all questions.~~ 7544

~~(B)~~ Each and each applicant for a loan originator license 7545
shall submit to a written test that is developed and approved by 7546
the nationwide mortgage licensing system and registry and 7547
administered by a test provider approved by the nationwide 7548
mortgage licensing system and registry based on reasonable 7549
standards. 7550

~~(1)~~(A) The test shall adequately measure the designee's or 7551
applicant's knowledge and comprehension in appropriate subject 7552
areas, including ethics, federal and state law related to mortgage 7553
origination, fraud, consumer protection, and the nontraditional 7554
mortgage marketplace, and fair lending issues. 7555

~~(2)~~(B) An individual shall not be considered to have passed 7556
the written test unless the individual ~~achieves a test score of~~ 7557
answers at least seventy-five per cent ~~correct answers on all of~~ 7558
the questions and ~~at least seventy five per cent correct answers~~ 7559
~~on all questions relating to state mortgage lending laws and the~~ 7560
~~Ohio consumer sales practices act, Chapter 1345. of the Revised~~ 7561
~~Code, as it applies to registrants and licensees~~ correctly. 7562

~~(3)~~(C) An individual may retake the test three consecutive 7563
times provided the period between taking the tests is at least 7564
thirty days. If an individual fails three consecutive tests, the 7565
individual shall be required to wait at least six months before 7566
taking the test again. 7567

~~(4)~~(D) If a loan originator fails to maintain a valid loan 7568

originator license for a period of five years or longer, the 7569
individual shall be required to retake the test. 7570

For this purpose, any time during which the individual is a 7571
registered loan originator shall not be taken into account. 7572

~~(C) Notwithstanding division (B) of this section, until the 7573
nationwide mortgage licensing system and registry implements a 7574
testing process that meets the criteria set forth in that 7575
division, the superintendent shall require each applicant to pass 7576
a written test acceptable to the superintendent. 7577~~

Sec. 1322.06. (A) As often as the superintendent of financial 7578
institutions considers it necessary, the superintendent may 7579
examine the registrant's or licensee's records, including all 7580
records created or processed by a licensee, pertaining to business 7581
transacted pursuant to sections 1322.01 to 1322.12 of the Revised 7582
Code. 7583

(B) A registrant or licensee shall maintain records 7584
pertaining to business transacted pursuant to sections 1322.01 to 7585
1322.12 of the Revised Code, including copies of all mortgage loan 7586
origination disclosure statements prepared in accordance with 7587
section 1322.062 of the Revised Code, for four years. For purposes 7588
of this division, "registrant or licensee" includes any person 7589
whose certificate of registration or license is cancelled, 7590
surrendered, or revoked or who otherwise ceases to engage in 7591
business as a mortgage broker or loan originator. 7592

No registrant or licensee shall fail to comply with this 7593
division. 7594

(C) Each registrant and licensee shall submit to the 7595
nationwide mortgage licensing system and registry call reports or 7596
other reports of condition, which reports shall be in such form 7597
and shall contain such information as the nationwide mortgage 7598

licensing system and registry may require. 7599

(D)(1) As required by the superintendent, each registrant 7600
shall file with the division of financial institutions an annual 7601
report under oath or affirmation, on forms supplied by the 7602
division, concerning the business and operations of the registrant 7603
for the preceding calendar year. If a registrant operates two or 7604
more registered offices, or two or more affiliated registrants 7605
operate registered offices, a composite report of the group of 7606
registered offices may be filed in lieu of individual reports. For 7607
purposes of compliance with this requirement, the superintendent 7608
may accept call reports or other reports of condition submitted to 7609
the nationwide mortgage licensing system and registry in lieu of 7610
the annual report. 7611

(2) The ~~division~~ superintendent shall publish annually an 7612
analysis of the information required under division (D)(1) of this 7613
section, but the individual reports, whether filed with the 7614
superintendent or the nationwide mortgage licensing system and 7615
registry, shall not be public records and shall not be open to 7616
public inspection or otherwise be subject to section 149.43 of the 7617
Revised Code. 7618

Sec. 1322.063. (A) In addition to the disclosures required 7619
under section 1322.062 of the Revised Code, a registrant or 7620
licensee shall, not ~~earlier~~ later than three business days ~~nor~~ 7621
~~later than twenty-four hours~~ before a loan is closed, deliver to 7622
the ~~buyer~~ borrower a written disclosure that includes the 7623
following: 7624

(1) A statement indicating whether property taxes will be 7625
escrowed; 7626

(2) A description of what is covered by the regular monthly 7627
payment, including principal, interest, taxes, and insurance, as 7628
applicable. 7629

(B) A registrant or licensee shall disclose the information 7630
in division (A) of this section by delivering either the model 7631
form located on the web site of the division of financial 7632
institutions or the appropriate federal form that discloses 7633
substantially similar information as published in Appendix H of 12 7634
C.F.R. Part 1026, as amended. 7635

(C) No registrant or licensee shall fail to comply with this 7636
section. 7637

Sec. 1345.06. (A) If, by ~~his~~ the attorney general's own 7638
inquiries or as a result of complaints, the attorney general has 7639
reasonable cause to believe that a person has engaged or is 7640
engaging in an act or practice that violates Chapter 1345. of the 7641
Revised Code, he may investigate. 7642

(B) For this purpose, the attorney general may administer 7643
oaths, subpoena witnesses, adduce evidence, and require the 7644
production of relevant matter. 7645

If matter that the attorney general requires to be produced 7646
is located outside the state, ~~he~~ the attorney general may 7647
designate representatives, including officials of the state in 7648
which the matter is located, to inspect the matter on ~~his~~ the 7649
attorney general's behalf, and ~~he~~ the attorney general may respond 7650
to similar requests from officials of other states. The person 7651
subpoenaed may make the matter available to the attorney general 7652
at a convenient location within the state or pay the reasonable 7653
and necessary expenses for the attorney general or ~~his~~ the 7654
attorney general's representative to examine the matter at the 7655
place where it is located, provided that expenses shall not be 7656
charged to a party not subsequently found to have engaged in an 7657
act or practice violative of Chapter 1345. of the Revised Code. 7658

(C) Within twenty days after a subpoena has been served, a 7659
person subpoenaed under this section may file a motion to extend 7660

the return day, or to modify or quash the subpoena, stating good 7661
cause, ~~may be filed~~ in the court of common pleas of Franklin 7662
county or ~~the~~ any other county in ~~which the person served resides~~ 7663
~~or has his principal place of business~~ this state. 7664

(D) A person subpoenaed under this section shall comply with 7665
the terms of the subpoena, unless the parties agree to modify the 7666
terms of the subpoena or unless the court has modified or quashed 7667
the subpoena, extended the return day of the subpoena, or issued 7668
any other order with respect to the subpoena prior to its return 7669
day. 7670

If a person fails without lawful excuse to obey a subpoena or 7671
to produce relevant matter, the attorney general may apply to the 7672
court of common pleas of ~~the~~ Franklin county or any other county 7673
in ~~which the person subpoenaed resides or has his principal place~~ 7674
~~of business~~ this state for an order compelling compliance. 7675

(E) The attorney general may request that an individual who 7676
refuses to testify or to produce relevant matter on the ground 7677
that the testimony or matter may incriminate ~~him~~ the individual be 7678
ordered by the court to provide the testimony or matter. With the 7679
exception of a prosecution for perjury and an action for damages 7680
under section 1345.07 or 1345.09 of the Revised Code, an 7681
individual who complies with a court order to provide testimony or 7682
matter, after asserting a privilege against self-incrimination to 7683
which ~~he~~ the individual is entitled by law, shall not be subjected 7684
to a criminal proceeding or to a civil penalty or forfeiture on 7685
the basis of the testimony or matter required to be disclosed or 7686
testimony or matter discovered through that testimony or matter. 7687

(F) The attorney general may: 7688

(1) During an investigation under this section, afford, in a 7689
manner considered appropriate to ~~him~~ to the attorney general, a 7690
supplier an opportunity to cease and desist from any suspected 7691

violation. ~~He~~ The attorney general may suspend ~~his~~ such an 7692
investigation during the time period that ~~he~~ the attorney general 7693
permits the supplier to cease and desist; however, the suspension 7694
of the investigation or the affording of an opportunity to cease 7695
and desist shall not prejudice or prohibit any further 7696
investigation by the attorney general under this section. 7697

(2) Terminate an investigation under this section upon 7698
acceptance of a written assurance of voluntary compliance from a 7699
supplier who is suspected of a violation of this chapter. 7700

Acceptance of an assurance may be conditioned upon an 7701
undertaking to reimburse or to take other appropriate corrective 7702
action with respect to identifiable consumers damaged by an 7703
alleged violation of this chapter. An assurance of compliance 7704
given by a supplier is not evidence of violation of this chapter. 7705
The attorney general may, at any time, reopen an investigation 7706
terminated by the acceptance of an assurance of voluntary 7707
compliance, if ~~he~~ the attorney general believes that further 7708
proceedings are in the public interest. Evidence of a violation of 7709
an assurance of voluntary compliance is prima-facie evidence of an 7710
act or practice in violation of this chapter, if presented after 7711
the violation in an action brought under this chapter. An 7712
assurance of voluntary compliance may be filed with the court and 7713
if approved by the court, entered as a consent judgment. 7714

(G) The procedures available to the attorney general under 7715
this section are cumulative and concurrent, and the exercise of 7716
one procedure by the attorney general does not preclude or require 7717
the exercise of any other procedure. 7718

Sec. 1711.50. As used in sections 1711.50 to 1711.57 of the 7719
Revised Code: 7720

(A) "Amusement ride" means any mechanical, aquatic, or 7721
inflatable device, or combination of those devices that carries or 7722

conveys passengers on, along, around, over, or through a fixed or 7723
restricted course or within a defined area for the purpose of 7724
providing amusement, pleasure, or excitement. "Amusement ride" 7725
includes carnival rides, bungee jumping facilities, and fair 7726
rides, but does not include passenger tramways as defined in 7727
section 4169.01 of the Revised Code or amusement rides operated 7728
solely at trade shows for a limited period of time. For purposes 7729
of this division ~~(A) of this section~~, "trade show" means a place 7730
of exhibition not open to the general public where amusement ride 7731
manufacturers display, promote, operate, and sell amusement rides 7732
to prospective purchasers. 7733

(B) "Temporary amusement ride" means an amusement ride that 7734
is relocated at least once per year with or without disassembly. 7735

(C) "Permanent amusement ride" means an amusement ride that 7736
is erected to remain a lasting part of the premises. 7737

(D) "Owner" means any person who owns or leases and controls 7738
or manages the operation of an amusement ride, and includes 7739
individuals, partnerships, corporations, both profit and 7740
nonprofit, and the state and any of its political subdivisions and 7741
their departments or agencies. 7742

(E) "Operation" means the use or operation, or both, of an 7743
amusement ride with riders. 7744

(F) "Rider" means any person who sits, stands, or is 7745
otherwise conveyed or carried as a passenger on an amusement ride, 7746
but does not include employees or agents of the owner of the 7747
amusement ride. 7748

(G) "Amusement ride operator" means any person causing the 7749
amusement ride to go, stop, or perform its function. 7750

(H) "Reassembly" means the installation, erection, or 7751
reconstruction of the main mechanical, safety, electrical, or 7752
electronic components of an amusement ride following 7753

transportation or storage and prior to operation. Replacement of 7754
mechanical, safety, electrical, or electronic components of an 7755
amusement ride for the purpose of repair or maintenance is not 7756
reassembly. 7757

(I) "Repair" means to restore an amusement ride to a 7758
condition equal to or better than original design specifications. 7759

(J) "Maintenance" means the preservation and upkeep of an 7760
amusement ride for the purpose of maintaining its designed 7761
operational capability. 7762

(K) "Inspection" means a physical examination of an amusement 7763
ride by an inspector for the purpose of approving the application 7764
for a permit. "Inspection" includes a reinspection. 7765

(L) "Accident" means an occurrence during the operation of an 7766
amusement ride ~~which~~ that results in death or injury requiring 7767
immediate hospital admission. 7768

(M) "Serious injury" means an injury that does not require 7769
immediate hospital admission but does require medical treatment, 7770
other than first aid, by a physician. 7771

(N) "First aid" means the one-time treatment or subsequent 7772
observation of scratches, cuts not requiring stitches, burns, 7773
splinters, and contusions or a diagnostic procedure, including 7774
examinations and x-rays, ~~which~~ that does not ordinarily require 7775
medical treatment even though provided by a physician or other 7776
licensed professional personnel. 7777

(O) "Advisory council" means the advisory council on 7778
amusement ride safety created by section 1711.51 of the Revised 7779
Code. 7780

(P) "Safe operation" means, except as provided in section 7781
1711.57 of the Revised Code, the practical application of 7782
maintenance, inspection, and operational processes, as indicated 7783

by the manufacturer, owner, or advisory council, that secures a 7784
rider from threat of physical danger, harm, or loss. 7785

(Q) "Private facility" means any facility that is accessible 7786
only to members of the facility and not accessible to the general 7787
public, even upon payment of a fee or charge, and that requires 7788
approval for membership by a membership committee representing the 7789
current members who have a policy requiring monetary payment to 7790
belong to the facility. 7791

(R) "Bungee jumping" means a fall or jump from a height by an 7792
individual who is attached to an elastic cord that prevents the 7793
individual from hitting the ground, water, or other solid, 7794
semi-solid, liquid, or elastic surface. 7795

(S) "Bungee jumping facility" means a device or structure 7796
utilized for bungee jumping. 7797

(T) "Kiddie ride" means an amusement ride designed for use by 7798
children under thirteen years of age who are unaccompanied by 7799
another person. "Kiddie ride" includes a roller coaster that is 7800
not more than forty feet in elevation at any point on the ride. 7801

Sec. 1711.53. (A)(1) No person shall operate an amusement 7802
ride within the state without a permit issued by the director of 7803
agriculture under division (A)(2) of this section. The owner of an 7804
amusement ride, whether the ride is a temporary amusement ride or 7805
a permanent amusement ride, who desires to operate the amusement 7806
ride within the state shall, prior to the operation of the 7807
amusement ride and annually thereafter, submit to the department 7808
of agriculture an application for a permit, together with the 7809
appropriate permit and inspection fee, on a form to be furnished 7810
by the department. Prior to issuing any permit the department 7811
shall, within thirty days after the date on which it receives the 7812
application, inspect each amusement ride described in the 7813
application. The owner of an amusement ride shall have the 7814

amusement ride ready for inspection not later than two hours after 7815
the time that is requested by the person for the inspection. 7816

(2) For each amusement ride found to comply with the rules 7817
adopted by the director under division (B) of this section and 7818
division (B) of section 1711.551 of the Revised Code, the director 7819
shall issue an annual permit, provided that evidence of liability 7820
insurance coverage for the amusement ride as required by section 7821
1711.54 of the Revised Code is on file with the department. 7822

(3) The director shall issue with each permit a decal 7823
indicating that the amusement ride has been issued the permit. The 7824
owner of the amusement ride shall affix the decal on the ride at a 7825
location where the decal is easily visible to the patrons of the 7826
ride. A copy of the permit shall be kept on file at the same 7827
address as the location of the amusement ride identified on the 7828
permit, and shall be made available for inspection, upon 7829
reasonable demand, by any person. An owner may operate an 7830
amusement ride prior to obtaining a permit, provided that the 7831
operation is for the purpose of testing the amusement ride or 7832
training amusement ride operators and other employees of the owner 7833
and the amusement ride is not open to the public. 7834

(B) The director, in accordance with Chapter 119. of the 7835
Revised Code, shall adopt rules providing for a schedule of fines, 7836
with no fine exceeding five thousand dollars, for violations of 7837
sections 1711.50 to 1711.57 of the Revised Code or any rules 7838
adopted under this division and for the classification of 7839
amusement rides and rules for the safe operation and inspection of 7840
all amusement rides as are necessary for amusement ride safety and 7841
for the protection of the general public. Rules adopted by the 7842
director for the safe operation and inspection of amusement rides 7843
shall be reasonable and based upon generally accepted engineering 7844
standards and practices. In adopting rules under this section, the 7845
director may adopt by reference, in whole or in part, the national 7846

fire code or the national electrical code (NEC) prepared by the 7847
national fire protection association, the standards of the 7848
American society for testing and materials (ASTM) or the American 7849
national standards institute (ANSI), or any other principles, 7850
tests, or standards of nationally recognized technical or 7851
scientific authorities. Insofar as is practicable and consistent 7852
with sections 1711.50 to 1711.57 of the Revised Code, rules 7853
adopted under this division shall be consistent with the rules of 7854
other states. The department shall cause sections 1711.50 to 7855
1711.57 of the Revised Code and the rules adopted in accordance 7856
with this division and division (B) of section 1711.551 of the 7857
Revised Code to be published in pamphlet form and a copy to be 7858
furnished without charge to each owner of an amusement ride who 7859
holds a current permit or is an applicant therefor. 7860

(C) With respect to an application for a permit for an 7861
amusement ride, an owner may apply to the director for a waiver or 7862
modification of any rule adopted under division (B) of this 7863
section if there are practical difficulties or unnecessary 7864
hardships for the amusement ride to comply with the rules. Any 7865
application shall set forth the reasons for the request. The 7866
director, with the approval of the advisory council on amusement 7867
ride safety, may waive or modify the application of a rule to any 7868
amusement ride if the public safety is secure. Any authorization 7869
by the director under this division shall be in writing and shall 7870
set forth the conditions under which the waiver or modification is 7871
authorized, and the department shall retain separate records of 7872
all proceedings under this division. 7873

(D)(1) The director shall employ and provide for training of 7874
a chief inspector and additional inspectors and employees as may 7875
be necessary to administer and enforce sections 1711.50 to 1711.57 7876
of the Revised Code. The director may appoint or contract with 7877
other persons to perform inspections of amusement rides, provided 7878

that the persons meet the qualifications for inspectors 7879
established by rules adopted under division (B) of this section 7880
and are not owners, or employees of owners, of any amusement ride 7881
subject to inspection under sections 1711.50 to 1711.57 of the 7882
Revised Code. No person shall inspect an amusement ride who, 7883
within six months prior to the date of inspection, was an employee 7884
of the owner of the ride. 7885

(2) Before the director contracts with other persons to 7886
inspect amusement rides, the director shall seek the advice of the 7887
advisory council on amusement ride safety on whether to contract 7888
with those persons. The advice shall not be binding upon the 7889
director. After having received the advice of the council, the 7890
director may proceed to contract with inspectors in accordance 7891
with the procedures specified in division (E)(2) of section 7892
1711.11 of the Revised Code. 7893

(3) With the advice and consent of the advisory council on 7894
amusement ride safety, the director may employ a special 7895
consultant to conduct an independent investigation of an amusement 7896
ride accident. This consultant need not be in the civil service of 7897
the state, but shall have qualifications to conduct the 7898
investigation acceptable to the council. 7899

(E)(1) Except as otherwise provided in division (E)(1) of 7900
this section, the department shall charge the following amusement 7901
ride fees: 7902

Permit	\$	150	7903
Annual inspection and reinspection per ride:			7904
Kiddie rides	\$	100	7905
Roller coaster	\$	950	7906
		<u>1,200</u>	
Aerial lifts or bungee jumping facilities	\$	450	7907
Go karts, <u>per kart</u>	\$	5	7908
<u>Inflatable rides, kiddie and adult</u>	\$	<u>105</u>	7909

Other rides	\$	160	7910
Midseason operational inspection per ride	\$	25	7911
Expedited inspection per ride	\$	100	7912
Failure to cancel scheduled inspection per ride	\$	100	7913
Failure to have amusement ride ready for inspection per ride	\$	100	7914 7915

The go kart inspection fee is in addition to the inspection fee for the go kart track. 7916
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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. 7918
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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. 7921
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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. 7926
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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 be charged to the fair, festival, or event. 7932
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(4) The rules adopted under division (B) of this section shall define "~~kiddie rides~~," "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

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

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

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the

midseason operational inspection fee specified in division (E) of 7973
this section. The director, in accordance with Chapter 119. of the 7974
Revised Code, shall adopt rules specifying the time period during 7975
which the department will conduct midseason operational 7976
inspections. 7977

Sec. 1724.10. (A) A community improvement corporation may be 7978
designated: 7979

(1) By a county, one or more townships, one or more municipal 7980
corporations, two or more adjoining counties, or any combination 7981
of the foregoing as the agency of each such political subdivision 7982
for the industrial, commercial, distribution, and research 7983
development in such political subdivision when the legislative 7984
authority of such political subdivision has determined that the 7985
policy of the political subdivision is to promote the health, 7986
safety, morals, and general welfare of its inhabitants through the 7987
designation of a community improvement corporation as such agency; 7988

(2) Solely by a county as the agency for the reclamation, 7989
rehabilitation, and reutilization of vacant, abandoned, 7990
tax-foreclosed, or other real property in the county; 7991

(3) By any political subdivision as the agency for the 7992
reclamation, rehabilitation, and reutilization of vacant, 7993
abandoned, tax-foreclosed, or other real property within the 7994
political subdivision if the subdivision enters into an agreement 7995
with the community improvement corporation that is the agency of a 7996
county, under division (A)(2) of this section, designating the 7997
corporation as the agency of the political subdivision. 7998

(B) Designations under this section shall be made by the 7999
legislative authority of the political subdivision by resolution 8000
or ordinance. Any political subdivision which has designated a 8001
community improvement corporation as such agency under this 8002
section may enter into an agreement with it to provide any one or 8003

more of the following: 8004

(1) That the community improvement corporation shall prepare 8005
a plan for the political subdivision of industrial, commercial, 8006
distribution, and research development, or of reclamation, 8007
rehabilitation, and reutilization of vacant, abandoned, 8008
tax-foreclosed, or other real property, and such plan shall 8009
provide therein the extent to which the community improvement 8010
corporation shall participate as the agency of the political 8011
subdivision in carrying out such plan. Such plan shall be 8012
confirmed by the legislative authority of the political 8013
subdivision. A community improvement corporation may insure 8014
mortgage payments required by a first mortgage on any industrial, 8015
economic, commercial, or civic property for which funds have been 8016
loaned by any person, corporation, bank, or financial or lending 8017
institution upon such terms and conditions as the community 8018
improvement corporation may prescribe. A community improvement 8019
corporation may incur debt, mortgage its property acquired under 8020
this section or otherwise, and issue its obligations, for the 8021
purpose of acquiring, constructing, improving, and equipping 8022
buildings, structures, and other properties, and acquiring sites 8023
therefor, for lease or sale by the community improvement 8024
corporation in order to carry out its participation in such plan. 8025
Except as provided for in division (C) of section 307.78 of the 8026
Revised Code, any such debt shall be solely that of the 8027
corporation and shall not be secured by the pledge of any moneys 8028
received or to be received from any political subdivision. All 8029
revenue bonds issued under sections 1724.02 and 1724.10 of the 8030
Revised Code are lawful investments of banks, savings and loan 8031
associations, deposit guarantee associations, trust companies, 8032
trustees, fiduciaries, trustees or other officers having charge of 8033
sinking or bond retirement funds of municipal corporations and 8034
other subdivisions of the state, and of domestic insurance 8035
companies notwithstanding sections 3907.14 and 3925.08 of the 8036

Revised Code. Not less than two-fifths of the governing board of 8037
any economic development corporation designated as the agency of 8038
one or more political subdivisions shall be composed of mayors, 8039
members of municipal legislative authorities, members of boards of 8040
township trustees, members of boards of county commissioners, or 8041
any other appointed or elected officers of such political 8042
subdivisions, provided that at least one officer from each 8043
political subdivision shall be a member of the governing board. 8044
Membership on the governing board of a community improvement 8045
corporation does not constitute the holding of a public office or 8046
employment within the meaning of sections 731.02 and 731.12 of the 8047
Revised Code or any other section of the Revised Code. The board 8048
of directors of a county land reutilization corporation shall be 8049
composed of the members set forth in section 1724.03 of the 8050
Revised Code. Membership on such governing boards shall not 8051
constitute an interest, either direct or indirect, in a contract 8052
or expenditure of money by any municipal corporation, township, 8053
county, or other political subdivision. No member of such 8054
governing boards shall be disqualified from holding any public 8055
office or employment, nor shall such member forfeit any such 8056
office or employment, by reason of membership on the governing 8057
board of a community improvement corporation notwithstanding any 8058
law to the contrary. 8059

Actions taken under this section shall be in accordance with 8060
any applicable planning or zoning regulations. 8061

Any agreement entered into under this section may be amended 8062
or supplemented from time to time by the parties thereto. 8063

An economic development corporation designated as the agency 8064
of a political subdivision under this section shall promote and 8065
encourage the establishment and growth in such subdivision of 8066
industrial, commercial, distribution, and research facilities. A 8067
county land reutilization corporation designated as the agency of 8068

a political subdivision in an agreement between a political 8069
subdivision and a corporation shall promote the reclamation, 8070
rehabilitation, and reutilization of vacant, abandoned, 8071
tax-foreclosed, or other real property in the subdivision. 8072

(2) Authorization for the community improvement corporation 8073
to sell or to lease any ~~lands~~ real property or interests in ~~lands~~ 8074
real property owned by the political subdivision determined from 8075
time to time by the legislative authority thereof not to be 8076
required by such political subdivision for its purposes, for uses 8077
determined by the legislative authority as those that will promote 8078
the welfare of the people of the political subdivision, stabilize 8079
the economy, provide employment, assist in the development of 8080
industrial, commercial, distribution, and research activities to 8081
the benefit of the people of the political subdivision, will 8082
provide additional opportunities for their gainful employment, or 8083
will promote the reclamation, rehabilitation, and reutilization of 8084
vacant, abandoned, tax-foreclosed, or other real property within 8085
the subdivision. The legislative authority shall specify the 8086
consideration for such sale or lease and any other terms thereof. 8087
Any determinations made by the legislative authority under this 8088
division shall be conclusive. The community improvement 8089
corporation acting through its officers and on behalf and as agent 8090
of the political subdivision shall execute the necessary 8091
instruments, including deeds conveying the title of the political 8092
subdivision or leases, to accomplish such sale or lease. Such 8093
conveyance or lease shall be made without advertising and receipt 8094
of bids. A copy of such agreement shall be recorded in the office 8095
of the county recorder of any county in which ~~lands~~ real property 8096
or interests in ~~lands~~ real property to be sold or leased are 8097
situated prior to the recording of a deed or lease executed 8098
pursuant to such agreement. The county recorder shall not charge a 8099
county land reutilization corporation a fee as otherwise provided 8100
in section 317.32 of the Revised Code for the recording, indexing, 8101

or making of a certified copy or for the filing of any instrument 8102
by a county land reutilization corporation consistent with its 8103
public purposes. 8104

(3) That the political subdivision executing the agreement 8105
will convey to the community improvement corporation ~~lands~~ real 8106
property and interests in ~~lands~~ real property owned by the 8107
political subdivision and determined by the legislative authority 8108
thereof not to be required by the political subdivision for its 8109
purposes and that such conveyance of such ~~land~~ real property or 8110
interests in ~~land~~ real property will promote the welfare of the 8111
people of the political subdivision, stabilize the economy, 8112
provide employment, assist in the development of industrial, 8113
commercial, distribution, and research activities to the benefit 8114
of the people of the political subdivision, provide additional 8115
opportunities for their gainful employment or will promote the 8116
reclamation, rehabilitation, and reutilization of vacant, 8117
abandoned, tax-foreclosed, or other real property in the 8118
subdivision, for the consideration and upon the terms established 8119
in the agreement, and further that as the agency for development 8120
or land reutilization the community improvement corporation may 8121
acquire from others additional ~~lands~~ real property or interests in 8122
~~lands~~ real property, and any ~~lands~~ real property or interests in 8123
~~land~~ real property so conveyed by it for uses that will promote 8124
the welfare of the people of the political subdivision, stabilize 8125
the economy, provide employment, assist in the development of 8126
industrial, commercial, distribution, and research activities 8127
required for the people of the political subdivision and for their 8128
gainful employment or will promote the reclamation, 8129
rehabilitation, and reutilization of vacant, abandoned, 8130
tax-foreclosed, or other real property in the subdivision. Any 8131
conveyance or lease by the political subdivision to the community 8132
improvement corporation shall be made without advertising and 8133
receipt of bids. If any ~~lands~~ real property or interests in ~~land~~ 8134

real property conveyed by a political subdivision under this 8135
division are sold by the community improvement corporation at a 8136
price in excess of the consideration received by the political 8137
subdivision from the community improvement corporation, such 8138
excess shall be paid to such political subdivision after 8139
deducting, to the extent and in the manner provided in the 8140
agreement, the costs of such acquisition and sale, taxes, 8141
assessments, costs of maintenance, costs of improvements to the 8142
~~land~~ real property by the community improvement corporation, 8143
service fees, and any debt service charges of the corporation 8144
attributable to such ~~land~~ real property or interests. 8145

Sec. 1901.08. The number of, and the time for election of, 8146
judges of the following municipal courts and the beginning of 8147
their terms shall be as follows: 8148

In the Akron municipal court, two full-time judges shall be 8149
elected in 1951, two full-time judges shall be elected in 1953, 8150
one full-time judge shall be elected in 1967, and one full-time 8151
judge shall be elected in 1975. 8152

In the Alliance municipal court, one full-time judge shall be 8153
elected in 1953. 8154

In the Ashland municipal court, one full-time judge shall be 8155
elected in 1951. 8156

In the Ashtabula municipal court, one full-time judge shall 8157
be elected in 1953. 8158

In the Athens county municipal court, one full-time judge 8159
shall be elected in 1967. 8160

In the Auglaize county municipal court, one full-time judge 8161
shall be elected in 1975. 8162

In the Avon Lake municipal court, one ~~part-time~~ full-time 8163
judge shall be elected in ~~1957~~ 2017. On and after the effective 8164

date of this amendment, the part-time judge of the Avon Lake 8165
municipal court who was elected in 2011 shall serve as a full-time 8166
judge of the court until the end of that judge's term on December 8167
31, 2017. 8168

In the Barberton municipal court, one full-time judge shall 8169
be elected in 1969, and one full-time judge shall be elected in 8170
1971. 8171

In the Bedford municipal court, one full-time judge shall be 8172
elected in 1975, and one full-time judge shall be elected in 1979. 8173

In the Bellefontaine municipal court, one full-time judge 8174
shall be elected in 1993. 8175

In the Bellevue municipal court, one part-time judge shall be 8176
elected in 1951. 8177

In the Berea municipal court, one full-time judge shall be 8178
elected in 2005. 8179

In the Bowling Green municipal court, one full-time judge 8180
shall be elected in 1983. 8181

In the Brown county municipal court, one full-time judge 8182
shall be elected in 2005. Beginning February 9, 2003, the 8183
part-time judge of the Brown county county court that existed 8184
prior to that date whose term commenced on January 2, 2001, shall 8185
serve as the full-time judge of the Brown county municipal court 8186
until December 31, 2005. 8187

In the Bryan municipal court, one full-time judge shall be 8188
elected in 1965. 8189

In the Cambridge municipal court, one full-time judge shall 8190
be elected in 1951. 8191

In the Campbell municipal court, one part-time judge shall be 8192
elected in 1963. 8193

In the Canton municipal court, one full-time judge shall be 8194

elected in 1951, one full-time judge shall be elected in 1969, and 8195
two full-time judges shall be elected in 1977. 8196

In the Carroll county municipal court, one full-time judge 8197
shall be elected in 2009. Beginning January 1, 2007, the judge 8198
elected in 2006 to the part-time judgeship of the Carroll county 8199
county court that existed prior to that date shall serve as the 8200
full-time judge of the Carroll county municipal court until 8201
December 31, 2009. 8202

In the Celina municipal court, one full-time judge shall be 8203
elected in 1957. 8204

In the Champaign county municipal court, one full-time judge 8205
shall be elected in 2001. 8206

In the Chardon municipal court, one full-time judge shall be 8207
elected in 1963. 8208

In the Chillicothe municipal court, one full-time judge shall 8209
be elected in 1951, and one full-time judge shall be elected in 8210
1977. 8211

In the Circleville municipal court, one full-time judge shall 8212
be elected in 1953. 8213

In the Clark county municipal court, one full-time judge 8214
shall be elected in 1989, and two full-time judges shall be 8215
elected in 1991. The full-time judges of the Springfield municipal 8216
court who were elected in 1983 and 1985 shall serve as the judges 8217
of the Clark county municipal court from January 1, 1988, until 8218
the end of their respective terms. 8219

In the Clermont county municipal court, two full-time judges 8220
shall be elected in 1991, and one full-time judge shall be elected 8221
in 1999. 8222

In the Cleveland municipal court, six full-time judges shall 8223
be elected in 1975, three full-time judges shall be elected in 8224

1953, and four full-time judges shall be elected in 1955. 8225

In the Cleveland Heights municipal court, one full-time judge 8226
shall be elected in 1957. 8227

In the Clinton county municipal court, one full-time judge 8228
shall be elected in 1997. The full-time judge of the Wilmington 8229
municipal court who was elected in 1991 shall serve as the judge 8230
of the Clinton county municipal court from July 1, 1992, until the 8231
end of that judge's term on December 31, 1997. 8232

In the Columbiana county municipal court, two full-time 8233
judges shall be elected in 2001. 8234

In the Conneaut municipal court, one full-time judge shall be 8235
elected in 1953. 8236

In the Coshocton municipal court, one full-time judge shall 8237
be elected in 1951. 8238

In the Crawford county municipal court, one full-time judge 8239
shall be elected in 1977. 8240

In the Cuyahoga Falls municipal court, one full-time judge 8241
shall be elected in 1953, and one full-time judge shall be elected 8242
in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal 8243
court shall cease to exist; however, the judges of the Cuyahoga 8244
Falls municipal court who were elected pursuant to this section in 8245
2003 and 2007 for terms beginning on January 1, 2004, and January 8246
1, 2008, respectively, shall serve as full-time judges of the Stow 8247
municipal court until December 31, 2009, and December 31, 2013, 8248
respectively. 8249

In the Darke county municipal court, one full-time judge 8250
shall be elected in 2005. Beginning January 1, 2005, the part-time 8251
judge of the Darke county county court that existed prior to that 8252
date whose term began on January 1, 2001, shall serve as the 8253
full-time judge of the Darke county municipal court until December 8254

31, 2005.	8255
In the Dayton municipal court, three full-time judges shall	8256
be elected in 1987, their terms to commence on successive days	8257
beginning on the first day of January next after their election,	8258
and two full-time judges shall be elected in 1955, their terms to	8259
commence on successive days beginning on the second day of January	8260
next after their election.	8261
In the Defiance municipal court, one full-time judge shall be	8262
elected in 1957.	8263
In the Delaware municipal court, one full-time judge shall be	8264
elected in 1953, and one full-time judge shall be elected in 2007.	8265
In the East Cleveland municipal court, one full-time judge	8266
shall be elected in 1957.	8267
In the East Liverpool municipal court, one full-time judge	8268
shall be elected in 1953.	8269
In the Eaton municipal court, one full-time judge shall be	8270
elected in 1973.	8271
In the Elyria municipal court, one full-time judge shall be	8272
elected in 1955, and one full-time judge shall be elected in 1973.	8273
In the Erie county municipal court, one full-time judge shall	8274
be elected in 2007.	8275
In the Euclid municipal court, one full-time judge shall be	8276
elected in 1951.	8277
In the Fairborn municipal court, one full-time judge shall be	8278
elected in 1977.	8279
In the Fairfield county municipal court, one full-time judge	8280
shall be elected in 2003, and one full-time judge shall be elected	8281
in 2005.	8282
In the Fairfield municipal court, one full-time judge shall	8283

be elected in 1989. 8284

In the Findlay municipal court, one full-time judge shall be 8285
elected in 1955, and one full-time judge shall be elected in 1993. 8286

In the Franklin municipal court, one part-time judge shall be 8287
elected in 1951. 8288

In the Franklin county municipal court, two full-time judges 8289
shall be elected in 1969, three full-time judges shall be elected 8290
in 1971, seven full-time judges shall be elected in 1967, one 8291
full-time judge shall be elected in 1975, one full-time judge 8292
shall be elected in 1991, and one full-time judge shall be elected 8293
in 1997. 8294

In the Fremont municipal court, one full-time judge shall be 8295
elected in 1975. 8296

In the Gallipolis municipal court, one full-time judge shall 8297
be elected in 1981. 8298

In the Garfield Heights municipal court, one full-time judge 8299
shall be elected in 1951, and one full-time judge shall be elected 8300
in 1981. 8301

In the Girard municipal court, one full-time judge shall be 8302
elected in 1963. 8303

In the Hamilton municipal court, one full-time judge shall be 8304
elected in 1953. 8305

In the Hamilton county municipal court, five full-time judges 8306
shall be elected in 1967, five full-time judges shall be elected 8307
in 1971, two full-time judges shall be elected in 1981, and two 8308
full-time judges shall be elected in 1983. All terms of judges of 8309
the Hamilton county municipal court shall commence on the first 8310
day of January next after their election, except that the terms of 8311
the additional judges to be elected in 1981 shall commence on 8312
January 2, 1982, and January 3, 1982, and that the terms of the 8313

additional judges to be elected in 1983 shall commence on January 4, 1984, and January 5, 1984. 8314
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In the Hardin county municipal court, one part-time judge shall be elected in 1989. 8316
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In the Hillsboro municipal court, one full-time judge shall be elected in 2011. On and after December 30, 2008, the part-time judge of the Hillsboro municipal court who was elected in 2005 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2011. 8318
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In the Hocking county municipal court, one full-time judge shall be elected in 1977. 8323
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In the Holmes county municipal court, one full-time judge shall be elected in 2007. Beginning January 1, 2007, the part-time judge of the Holmes 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 Holmes county municipal court until December 31, 2007. 8325
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In the Huron municipal court, one part-time judge shall be elected in 1967. 8331
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In the Ironton municipal court, one full-time judge shall be elected in 1951. 8333
8334

In the Jackson county municipal court, one full-time judge shall be elected in 2001. On and after March 31, 1997, the part-time judge of the Jackson county municipal court who was elected in 1995 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2001. 8335
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In the Kettering municipal court, one full-time judge shall be elected in 1971, and one full-time judge shall be elected in 1975. 8340
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In the Lakewood municipal court, one full-time judge shall be 8343

elected in 1955. 8344

In the Lancaster municipal court, one full-time judge shall 8345
be elected in 1951, and one full-time judge shall be elected in 8346
1979. Beginning January 2, 2000, the full-time judges of the 8347
Lancaster municipal court who were elected in 1997 and 1999 shall 8348
serve as judges of the Fairfield county municipal court until the 8349
end of those judges' terms. 8350

In the Lawrence county municipal court, one part-time judge 8351
shall be elected in 1981. 8352

In the Lebanon municipal court, one part-time judge shall be 8353
elected in 1955. 8354

In the Licking county municipal court, one full-time judge 8355
shall be elected in 1951, and one full-time judge shall be elected 8356
in 1971. 8357

In the Lima municipal court, one full-time judge shall be 8358
elected in 1951, and one full-time judge shall be elected in 1967. 8359

In the Lorain municipal court, one full-time judge shall be 8360
elected in 1953, and one full-time judge shall be elected in 1973. 8361

In the Lyndhurst municipal court, one full-time judge shall 8362
be elected in 1957. 8363

In the Madison county municipal court, one full-time judge 8364
shall be elected in 1981. 8365

In the Mansfield municipal court, one full-time judge shall 8366
be elected in 1951, and one full-time judge shall be elected in 8367
1969. 8368

In the Marietta municipal court, one full-time judge shall be 8369
elected in 1957. 8370

In the Marion municipal court, one full-time judge shall be 8371
elected in 1951. 8372

In the Marysville municipal court, one full-time judge shall 8373
be elected in 2011. On and after January 18, 2007, the part-time 8374
judge of the Marysville municipal court who was elected in 2005 8375
shall serve as a full-time judge of the court until the end of 8376
that judge's term on December 31, 2011. 8377

In the Mason municipal court, one part-time judge shall be 8378
elected in 1965. 8379

In the Massillon municipal court, one full-time judge shall 8380
be elected in 1953, and one full-time judge shall be elected in 8381
1971. 8382

In the Maumee municipal court, one full-time judge shall be 8383
elected in 1963. 8384

In the Medina municipal court, one full-time judge shall be 8385
elected in 1957. 8386

In the Mentor municipal court, one full-time judge shall be 8387
elected in 1971. 8388

In the Miami county municipal court, one full-time judge 8389
shall be elected in 1975, and one full-time judge shall be elected 8390
in 1979. 8391

In the Miamisburg municipal court, one full-time judge shall 8392
be elected in 1951. 8393

In the Middletown municipal court, one full-time judge shall 8394
be elected in 1953. 8395

In the Montgomery county municipal court: 8396

One judge shall be elected in 2011 to a part-time judgeship 8397
for a term to begin on January 1, 2012. If any one of the other 8398
judgeships of the court becomes vacant and is abolished after July 8399
1, 2010, this judgeship shall become a full-time judgeship on that 8400
date. If only one other judgeship of the court becomes vacant and 8401
is abolished as of December 31, 2021, this judgeship shall be 8402

abolished as of that date. Beginning July 1, 2010, the part-time 8403
judge of the Montgomery county county court that existed before 8404
that date whose term commenced on January 1, 2005, shall serve as 8405
a part-time judge of the Montgomery county municipal court until 8406
December 31, 2011. 8407

One judge shall be elected in 2011 to a full-time judgeship 8408
for a term to begin on January 2, 2012, and this judgeship shall 8409
be abolished on January 1, 2016. Beginning July 1, 2010, the 8410
part-time judge of the Montgomery county county court that existed 8411
before that date whose term commenced on January 2, 2005, shall 8412
serve as a full-time judge of the Montgomery county municipal 8413
court until January 1, 2012. 8414

One judge shall be elected in 2013 to a full-time judgeship 8415
for a term to begin on January 2, 2014. Beginning July 1, 2010, 8416
the part-time judge of the Montgomery county county court that 8417
existed before that date whose term commenced on January 2, 2007, 8418
shall serve as a full-time judge of the Montgomery county 8419
municipal court until January 1, 2014. 8420

One judge shall be elected in 2013 to a judgeship for a term 8421
to begin on January 1, 2014. If no other judgeship of the court 8422
becomes vacant and is abolished by January 1, 2014, this judgeship 8423
shall be a part-time judgeship. When one or more of the other 8424
judgeships of the court becomes vacant and is abolished after July 8425
1, 2010, this judgeship shall become a full-time judgeship. 8426
Beginning July 1, 2010, the part-time judge of the Montgomery 8427
county county court that existed before that date whose term 8428
commenced on January 1, 2007, shall serve as this judge of the 8429
Montgomery county municipal court until December 31, 2013. 8430

If any one of the judgeships of the court becomes vacant 8431
before December 31, 2021, that judgeship is abolished on the date 8432
that it becomes vacant, and the other judges of the court shall be 8433
or serve as full-time judges. The abolishment of judgeships for 8434

the Montgomery county municipal court shall cease when the court 8435
has two full-time judgeships. 8436

In the Morrow county municipal court, one full-time judge 8437
shall be elected in 2005. Beginning January 1, 2003, the part-time 8438
judge of the Morrow county county court that existed prior to that 8439
date shall serve as the full-time judge of the Morrow county 8440
municipal court until December 31, 2005. 8441

In the Mount Vernon municipal court, one full-time judge 8442
shall be elected in 1951. 8443

In the Napoleon municipal court, one full-time judge shall be 8444
elected in 2005. 8445

In the New Philadelphia municipal court, one full-time judge 8446
shall be elected in 1975. 8447

In the Newton Falls municipal court, one full-time judge 8448
shall be elected in 1963. 8449

In the Niles municipal court, one full-time judge shall be 8450
elected in 1951. 8451

In the Norwalk municipal court, one full-time judge shall be 8452
elected in 1975. 8453

In the Oakwood municipal court, one part-time judge shall be 8454
elected in 1953. 8455

In the Oberlin municipal court, one full-time judge shall be 8456
elected in 1989. 8457

In the Oregon municipal court, one full-time judge shall be 8458
elected in 1963. 8459

In the Ottawa county municipal court, one full-time judge 8460
shall be elected in 1995, and the full-time judge of the Port 8461
Clinton municipal court who is elected in 1989 shall serve as the 8462
judge of the Ottawa county municipal court from February 4, 1994, 8463
until the end of that judge's term. 8464

In the Painesville municipal court, one full-time judge shall 8465
be elected in 1951. 8466

In the Parma municipal court, one full-time judge shall be 8467
elected in 1951, one full-time judge shall be elected in 1967, and 8468
one full-time judge shall be elected in 1971. 8469

In the Perrysburg municipal court, one full-time judge shall 8470
be elected in 1977. 8471

In the Portage county municipal court, two full-time judges 8472
shall be elected in 1979, and one full-time judge shall be elected 8473
in 1971. 8474

In the Port Clinton municipal court, one full-time judge 8475
shall be elected in 1953. The full-time judge of the Port Clinton 8476
municipal court who is elected in 1989 shall serve as the judge of 8477
the Ottawa county municipal court from February 4, 1994, until the 8478
end of that judge's term. 8479

In the Portsmouth municipal court, one full-time judge shall 8480
be elected in 1951, and one full-time judge shall be elected in 8481
1985. 8482

In the Putnam county municipal court, one full-time judge 8483
shall be elected in 2011. Beginning January 1, 2011, the part-time 8484
judge of the Putnam county county court that existed prior to that 8485
date whose term commenced on January 1, 2007, shall serve as the 8486
full-time judge of the Putnam county municipal court until 8487
December 31, 2011. 8488

In the Rocky River municipal court, one full-time judge shall 8489
be elected in 1957, and one full-time judge shall be elected in 8490
1971. 8491

In the Sandusky municipal court, one full-time judge shall be 8492
elected in 1953. 8493

In the Sandusky county municipal court, one full-time judge 8494

shall be elected in 2013. Beginning on January 1, 2013, the two 8495
part-time judges of the Sandusky county county court that existed 8496
prior to that date shall serve as part-time judges of the Sandusky 8497
county municipal court until December 31, 2013. If either 8498
judgeship becomes vacant before January 1, 2014, that judgeship is 8499
abolished on the date it becomes vacant, and the person who holds 8500
the other judgeship shall serve as the full-time judge of the 8501
Sandusky county municipal court until December 31, 2013. 8502

In the Shaker Heights municipal court, one full-time judge 8503
shall be elected in 1957. 8504

In the Shelby municipal court, one part-time judge shall be 8505
elected in 1957. 8506

In the Sidney municipal court, one full-time judge shall be 8507
elected in 1995. 8508

In the South Euclid municipal court, one full-time judge 8509
shall be elected in 1999. The part-time judge elected in 1993, 8510
whose term commenced on January 1, 1994, shall serve until 8511
December 31, 1999, and the office of that judge is abolished on 8512
January 1, 2000. 8513

In the Springfield municipal court, two full-time judges 8514
shall be elected in 1985, and one full-time judge shall be elected 8515
in 1983, all of whom shall serve as the judges of the Springfield 8516
municipal court through December 31, 1987, and as the judges of 8517
the Clark county municipal court from January 1, 1988, until the 8518
end of their respective terms. 8519

In the Steubenville municipal court, one full-time judge 8520
shall be elected in 1953. 8521

In the Stow municipal court, one full-time judge shall be 8522
elected in 2009, and one full-time judge shall be elected in 2013. 8523
Beginning January 1, 2009, the judge of the Cuyahoga Falls 8524
municipal court that existed prior to that date whose term 8525

commenced on January 1, 2008, shall serve as a full-time judge of 8526
the Stow municipal court until December 31, 2013. Beginning 8527
January 1, 2009, the judge of the Cuyahoga Falls municipal court 8528
that existed prior to that date whose term commenced on January 1, 8529
2004, shall serve as a full-time judge of the Stow municipal court 8530
until December 31, 2009. 8531

In the Struthers municipal court, one part-time judge shall 8532
be elected in 1963. 8533

In the Sylvania municipal court, one full-time judge shall be 8534
elected in 1963. 8535

In the Tiffin-Fostoria municipal court, one full-time judge 8536
shall be elected in 2013. 8537

In the Toledo municipal court, two full-time judges shall be 8538
elected in 1971, four full-time judges shall be elected in 1975, 8539
and one full-time judge shall be elected in 1973. 8540

In the Upper Sandusky municipal court, one full-time judge 8541
shall be elected in 2011. The part-time judge elected in 2005, 8542
whose term commenced on January 1, 2006, shall serve as a 8543
full-time judge on and after January 1, 2008, until the expiration 8544
of that judge's term on December 31, 2011, and the office of that 8545
judge is abolished on January 1, 2012. 8546

In the Vandalia municipal court, one full-time judge shall be 8547
elected in 1959. 8548

In the Van Wert municipal court, one full-time judge shall be 8549
elected in 1957. 8550

In the Vermilion municipal court, one part-time judge shall 8551
be elected in 1965. 8552

In the Wadsworth municipal court, one full-time judge shall 8553
be elected in 1981. 8554

In the Warren municipal court, one full-time judge shall be 8555

elected in 1951, and one full-time judge shall be elected in 1971. 8556

In the Washington Court House municipal court, one full-time 8557
judge shall be elected in 1999. The part-time judge elected in 8558
1993, whose term commenced on January 1, 1994, shall serve until 8559
December 31, 1999, and the office of that judge is abolished on 8560
January 1, 2000. 8561

In the Wayne county municipal court, one full-time judge 8562
shall be elected in 1975, and one full-time judge shall be elected 8563
in 1979. 8564

In the Willoughby municipal court, one full-time judge shall 8565
be elected in 1951. 8566

In the Wilmington municipal court, one full-time judge shall 8567
be elected in 1991, who shall serve as the judge of the Wilmington 8568
municipal court through June 30, 1992, and as the judge of the 8569
Clinton county municipal court from July 1, 1992, until the end of 8570
that judge's term on December 31, 1997. 8571

In the Xenia municipal court, one full-time judge shall be 8572
elected in 1977. 8573

In the Youngstown municipal court, one full-time judge shall 8574
be elected in 1951, and one full-time judge shall be elected in 8575
2013. 8576

In the Zanesville municipal court, one full-time judge shall 8577
be elected in 1953. 8578

Sec. 2101.026. (A) The probate court of Franklin county may 8579
accept funds or other program assistance from individuals, 8580
corporations, agencies, or organizations, including, but not 8581
limited to, the board of alcohol, drug addiction, and mental 8582
health services of Franklin county or the Franklin county board of 8583
developmental disabilities. Any funds received by the probate 8584
court of Franklin county under this division shall be paid into 8585

the treasury of Franklin county and credited to a fund to be known 8586
as the Franklin county probate court mental health fund. 8587

(B) The moneys in the Franklin county probate court mental 8588
health fund shall be used for services to help ensure the 8589
treatment of any person who is under the care of the board of 8590
alcohol, drug addiction, and mental health services of Franklin 8591
county ~~or~~, the Franklin county board of developmental 8592
disabilities, or any other guardianships. These services include, 8593
but are not limited to, involuntary commitment proceedings and the 8594
establishment and management of adult guardianships, including all 8595
associated expenses, for wards who are under the care of the board 8596
of alcohol, drug addiction, and mental health services of Franklin 8597
county ~~or~~, the Franklin county board of developmental 8598
disabilities, or any other guardianships. 8599

(C) If the judge of the probate court of Franklin county 8600
determines that some of the moneys in the Franklin county probate 8601
court mental health fund are needed for the efficient operation of 8602
that court, the moneys may be used for the acquisition of 8603
equipment, the hiring and training of staff, community services 8604
programs, volunteer guardianship training services, the employment 8605
of magistrates, and other related services. 8606

(D) The moneys in the Franklin county probate court mental 8607
health fund that may be used in part for the establishment and 8608
management of adult guardianships under division (B) of this 8609
section may be utilized to establish a Franklin county 8610
guardianship service. 8611

(E)(1) A Franklin county guardianship service under division 8612
(D) of this section is established by creating a Franklin county 8613
guardianship service board comprised of three members. The judge 8614
of the probate court of Franklin county shall appoint one member. 8615
The board of directors of the Franklin county board of 8616

developmental disabilities shall appoint one member. The board of 8617
directors of the board of alcohol, drug addiction, and mental 8618
health services of Franklin county shall appoint one member. The 8619
term of appointment of each member is four years. 8620

(2) The Franklin county guardianship service board may 8621
appoint a director of the board. The board shall determine the 8622
compensation of the director based on the availability of funds 8623
contained in the Franklin county probate court mental health fund. 8624

(3) The members and the director, if any, of the Franklin 8625
county guardianship service board may receive appointments from 8626
the probate court of Franklin county to serve as guardians of both 8627
the person and estate of wards. The director may hire employees 8628
subject to available funds in the Franklin county probate court 8629
mental health fund. 8630

(4) If a new director replaces a previously appointed 8631
director of the Franklin county guardianship service board, the 8632
new director shall replace the former director serving as a 8633
guardian under division (E)(3) of this section without the need of 8634
a successor guardianship hearing conducted by the probate court of 8635
Franklin county so long as the wards are the same wards for both 8636
the former director and the new director. 8637

(5) The Franklin county guardianship service board that is 8638
created under division (E)(1) of this section shall promulgate all 8639
rules and regulations necessary for the efficient operation of the 8640
board and the Franklin county guardianship service. 8641

Sec. 2151.417. (A) Any court that issues a dispositional 8642
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 8643
Revised Code may review at any time the child's placement or 8644
custody arrangement, the case plan prepared for the child pursuant 8645
to section 2151.412 of the Revised Code, the actions of the public 8646
children services agency or private child placing agency in 8647

implementing that case plan, the child's permanency plan if the 8648
child's permanency plan has been approved, and any other aspects 8649
of the child's placement or custody arrangement. In conducting the 8650
review, the court shall determine the appropriateness of any 8651
agency actions, the safety and appropriateness of continuing the 8652
child's placement or custody arrangement, and whether any changes 8653
should be made with respect to the child's permanency plan or 8654
placement or custody arrangement or with respect to the actions of 8655
the agency under the child's placement or custody arrangement. 8656
Based upon the evidence presented at a hearing held after notice 8657
to all parties and the guardian ad litem of the child, the court 8658
may require the agency, the parents, guardian, or custodian of the 8659
child, and the physical custodians of the child to take any 8660
reasonable action that the court determines is necessary and in 8661
the best interest of the child or to discontinue any action that 8662
it determines is not in the best interest of the child. 8663

(B) If a court issues a dispositional order pursuant to 8664
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 8665
court has continuing jurisdiction over the child as set forth in 8666
division (E)(1) of section 2151.353 of the Revised Code. The court 8667
may amend a dispositional order in accordance with division (E)(2) 8668
of section 2151.353 of the Revised Code at any time upon its own 8669
motion or upon the motion of any interested party. The court shall 8670
comply with section 2151.42 of the Revised Code in amending any 8671
dispositional order pursuant to this division. 8672

(C) Any court that issues a dispositional order pursuant to 8673
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 8674
hold a review hearing one year after the earlier of the date on 8675
which the complaint in the case was filed or the child was first 8676
placed into shelter care to review the case plan prepared pursuant 8677
to section 2151.412 of the Revised Code and the child's placement 8678
or custody arrangement, to approve or review the permanency plan 8679

for the child, and to make changes to the case plan and placement 8680
or custody arrangement consistent with the permanency plan. The 8681
court shall schedule the review hearing at the time that it holds 8682
the dispositional hearing pursuant to section 2151.35 of the 8683
Revised Code. 8684

The court shall hold a similar review hearing no later than 8685
every twelve months after the initial review hearing until the 8686
child is adopted, returned to the parents, or the court otherwise 8687
terminates the child's placement or custody arrangement, except 8688
that the dispositional hearing held pursuant to section 2151.415 8689
of the Revised Code shall take the place of the first review 8690
hearing to be held under this section. The court shall schedule 8691
each subsequent review hearing at the conclusion of the review 8692
hearing immediately preceding the review hearing to be scheduled. 8693

(D) If, within fourteen days after a written summary of an 8694
administrative review is filed with the court pursuant to section 8695
2151.416 of the Revised Code, the court does not approve the 8696
proposed change to the case plan filed pursuant to division (E) of 8697
section 2151.416 of the Revised Code or a party or the guardian ad 8698
litem requests a review hearing pursuant to division (E) of that 8699
section, the court shall hold a review hearing in the same manner 8700
that it holds review hearings pursuant to division (C) of this 8701
section, except that if a review hearing is required by this 8702
division and if a hearing is to be held pursuant to division (C) 8703
of this section or section 2151.415 of the Revised Code, the 8704
hearing held pursuant to division (C) of this section or section 8705
2151.415 of the Revised Code shall take the place of the review 8706
hearing required by this division. 8707

(E) If a court determines pursuant to section 2151.419 of the 8708
Revised Code that a public children services agency or private 8709
child placing agency is not required to make reasonable efforts to 8710
prevent the removal of a child from the child's home, eliminate 8711

the continued removal of a child from the child's home, and return 8712
the child to the child's home, and the court does not return the 8713
child to the child's home pursuant to division (A)(3) of section 8714
2151.419 of the Revised Code, the court shall hold a review 8715
hearing to approve the permanency plan for the child and, if 8716
appropriate, to make changes to the child's case plan and the 8717
child's placement or custody arrangement consistent with the 8718
permanency plan. The court may hold the hearing immediately 8719
following the determination under section 2151.419 of the Revised 8720
Code and shall hold it no later than thirty days after making that 8721
determination. 8722

(F) The court shall give notice of the review hearings held 8723
pursuant to this section to every interested party, including, but 8724
not limited to, the appropriate agency employees who are 8725
responsible for the child's care and planning, the child's 8726
parents, any person who had guardianship or legal custody of the 8727
child prior to the custody order, the child's guardian ad litem, 8728
and the child. The court shall summon every interested party to 8729
appear at the review hearing and give them an opportunity to 8730
testify and to present other evidence with respect to the child's 8731
custody arrangement, including, but not limited to, the following: 8732
the case plan for the child; the permanency plan, if one exists; 8733
the actions taken by the child's custodian; the need for a change 8734
in the child's custodian or caseworker; and the need for any 8735
specific action to be taken with respect to the child. The court 8736
shall require any interested party to testify or present other 8737
evidence when necessary to a proper determination of the issues 8738
presented at the review hearing. In any review hearing that 8739
pertains to a permanency plan for a child who will not be returned 8740
to the parent, the court shall consider in-state and out-of-state 8741
placement options and the court shall determine whether the 8742
in-state or the out-of-state placement continues to be appropriate 8743
and in the best interests of the child. In any review hearing that 8744

pertains to a permanency plan for a child, the court or a citizens 8745
board appointed by the court pursuant to division (H) of this 8746
section shall consult with the child, in an age-appropriate 8747
manner, regarding the proposed permanency plan for the child. 8748

(G) After the review hearing, the court shall take the 8749
following actions based upon the evidence presented: 8750

(1) If an administrative review has been conducted, determine 8751
whether the conclusions of the review are supported by a 8752
preponderance of the evidence and approve or modify the case plan 8753
based upon that evidence; 8754

(2) If the hearing was held under division (C) or (E) of this 8755
section, approve a permanency plan for the child that specifies 8756
whether and, if applicable, when the child will be safely returned 8757
home or placed for adoption, for legal custody, or in a planned 8758
permanent living arrangement. A permanency plan approved after a 8759
hearing under division (E) of this section shall not include any 8760
provision requiring the child to be returned to the child's home. 8761

(3) If the child is in temporary custody, do all of the 8762
following: 8763

(a) Determine whether the child can and should be returned 8764
home with or without an order for protective supervision; 8765

(b) If the child can and should be returned home with or 8766
without an order for protective supervision, terminate the order 8767
for temporary custody; 8768

(c) If the child cannot or should not be returned home with 8769
an order for protective supervision, determine whether the agency 8770
currently with custody of the child should retain custody or 8771
whether another public children services agency, private child 8772
placing agency, or an individual should be given custody of the 8773
child. 8774

The court shall comply with section 2151.42 of the Revised Code in taking any action under this division. 8775
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(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; 8777
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(5) Journalize the terms of the updated case plan for the child. 8784
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(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. 8786
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(I) A copy of the court's determination following any review hearing held pursuant to this section shall be sent to the 8805
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custodial agency, the guardian ad litem of the child who is the 8807
subject of the review hearing, and, if that child is not the 8808
subject of a permanent commitment hearing, the parents of the 8809
child. 8810

(J) If the hearing held under this section takes the place of 8811
an administrative review that otherwise would have been held under 8812
section 2151.416 of the Revised Code, the court at the hearing 8813
held under this section shall do all of the following in addition 8814
to any other requirements of this section: 8815

(1) Determine the continued necessity for and the safety and 8816
appropriateness of the child's placement; 8817

(2) Determine the extent of compliance with the child's case 8818
plan; 8819

(3) Determine the extent of progress that has been made 8820
toward alleviating or mitigating the causes necessitating the 8821
child's placement in foster care; 8822

(4) Project a likely date by which the child may be safely 8823
returned home or placed for adoption or legal custody. 8824

(K)(1) Whenever the court is required to approve a permanency 8825
plan under this section or section 2151.415 of the Revised Code, 8826
the public children services agency or private child placing 8827
agency that filed the complaint in the case, has custody of the 8828
child, or will be given custody of the child shall develop a 8829
permanency plan for the child. The agency must file the plan with 8830
the court prior to the hearing under this section or section 8831
2151.415 of the Revised Code. 8832

(2) The permanency plan developed by the agency must specify 8833
whether and, if applicable, when the child will be safely returned 8834
home or placed for adoption or legal custody. If the agency 8835
determines that there is a compelling reason why returning the 8836
child home or placing the child for adoption or legal custody is 8837

not in the best interest of the child, the plan shall provide that 8838
the child will be placed in a planned permanent living 8839
arrangement. A permanency plan developed as a result of a 8840
determination made under division (A)(2) of section 2151.419 of 8841
the Revised Code may not include any provision requiring the child 8842
to be returned home. 8843

(3)(a) Whenever a court is required under this section or 8844
section 2151.415 or 2151.419 of the Revised Code to conduct a 8845
review hearing to approve a permanency plan, the court shall 8846
determine whether the agency required to develop the plan has made 8847
reasonable efforts to finalize it. If the court determines the 8848
agency has not made reasonable efforts to finalize the plan, the 8849
court shall issue an order finalizing a permanency plan requiring 8850
the agency to use reasonable efforts to do the following: 8851

(i) Place the child in a timely manner into a permanent 8852
placement; 8853

(ii) Complete whatever steps are necessary to finalize the 8854
permanent placement of the child. 8855

(b) In making reasonable efforts as required in division 8856
(K)(3)(a) of this section, the agency shall consider the child's 8857
health and safety as the paramount concern. 8858

Sec. 2151.421. (A)(1)(a) No person described in division 8859
(A)(1)(b) of this section who is acting in an official or 8860
professional capacity and knows, or has reasonable cause to 8861
suspect based on facts that would cause a reasonable person in a 8862
similar position to suspect, that a child under eighteen years of 8863
age or a mentally retarded, developmentally disabled, or 8864
physically impaired child under twenty-one years of age has 8865
suffered or faces a threat of suffering any physical or mental 8866
wound, injury, disability, or condition of a nature that 8867
reasonably indicates abuse or neglect of the child shall fail to 8868

immediately report that knowledge or reasonable cause to suspect 8869
to the entity or persons specified in this division. Except as 8870
provided in section 5120.173 of the Revised Code, the person 8871
making the report shall make it to the public children services 8872
agency or a municipal or county peace officer in the county in 8873
which the child resides or in which the abuse or neglect is 8874
occurring or has occurred. In the circumstances described in 8875
section 5120.173 of the Revised Code, the person making the report 8876
shall make it to the entity specified in that section. 8877

(b) Division (A)(1)(a) of this section applies to any person 8878
who is an attorney; physician, including a hospital intern or 8879
resident; dentist; podiatrist; practitioner of a limited branch of 8880
medicine as specified in section 4731.15 of the Revised Code; 8881
registered nurse; licensed practical nurse; visiting nurse; other 8882
health care professional; licensed psychologist; licensed school 8883
psychologist; independent marriage and family therapist or 8884
marriage and family therapist; speech pathologist or audiologist; 8885
coroner; administrator or employee of a child day-care center; 8886
administrator or employee of a residential camp or child day camp; 8887
administrator or employee of a certified child care agency or 8888
other public or private children services agency; school teacher; 8889
school employee; school authority; person engaged in social work 8890
or the practice of professional counseling; agent of a county 8891
humane society; person, other than a cleric, rendering spiritual 8892
treatment through prayer in accordance with the tenets of a 8893
well-recognized religion; employee of a county department of job 8894
and family services who is a professional and who works with 8895
children and families; superintendent or regional administrator 8896
employed by the department of youth services; superintendent, 8897
board member, or employee of a county board of developmental 8898
disabilities; investigative agent contracted with by a county 8899
board of developmental disabilities; employee of the department of 8900
developmental disabilities; employee of a facility or home that 8901

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. 8902
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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. 8909
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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: 8917
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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. 8926
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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 8930
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or patient has suffered or faces a threat of suffering any 8934
physical or mental wound, injury, disability, or condition of a 8935
nature that reasonably indicates abuse or neglect of the client or 8936
patient. 8937

(c) The abuse or neglect does not arise out of the client's 8938
or patient's attempt to have an abortion without the notification 8939
of her parents, guardian, or custodian in accordance with section 8940
2151.85 of the Revised Code. 8941

(4)(a) No cleric and no person, other than a volunteer, 8942
designated by any church, religious society, or faith acting as a 8943
leader, official, or delegate on behalf of the church, religious 8944
society, or faith who is acting in an official or professional 8945
capacity, who knows, or has reasonable cause to believe based on 8946
facts that would cause a reasonable person in a similar position 8947
to believe, that a child under eighteen years of age or a mentally 8948
retarded, developmentally disabled, or physically impaired child 8949
under twenty-one years of age has suffered or faces a threat of 8950
suffering any physical or mental wound, injury, disability, or 8951
condition of a nature that reasonably indicates abuse or neglect 8952
of the child, and who knows, or has reasonable cause to believe 8953
based on facts that would cause a reasonable person in a similar 8954
position to believe, that another cleric or another person, other 8955
than a volunteer, designated by a church, religious society, or 8956
faith acting as a leader, official, or delegate on behalf of the 8957
church, religious society, or faith caused, or poses the threat of 8958
causing, the wound, injury, disability, or condition that 8959
reasonably indicates abuse or neglect shall fail to immediately 8960
report that knowledge or reasonable cause to believe to the entity 8961
or persons specified in this division. Except as provided in 8962
section 5120.173 of the Revised Code, the person making the report 8963
shall make it to the public children services agency or a 8964
municipal or county peace officer in the county in which the child 8965

resides or in which the abuse or neglect is occurring or has 8966
occurred. In the circumstances described in section 5120.173 of 8967
the Revised Code, the person making the report shall make it to 8968
the entity specified in that section. 8969

(b) Except as provided in division (A)(4)(c) of this section, 8970
a cleric is not required to make a report pursuant to division 8971
(A)(4)(a) of this section concerning any communication the cleric 8972
receives from a penitent in a cleric-penitent relationship, if, in 8973
accordance with division (C) of section 2317.02 of the Revised 8974
Code, the cleric could not testify with respect to that 8975
communication in a civil or criminal proceeding. 8976

(c) The penitent in a cleric-penitent relationship described 8977
in division (A)(4)(b) of this section is deemed to have waived any 8978
testimonial privilege under division (C) of section 2317.02 of the 8979
Revised Code with respect to any communication the cleric receives 8980
from the penitent in that cleric-penitent relationship, and the 8981
cleric shall make a report pursuant to division (A)(4)(a) of this 8982
section with respect to that communication, if all of the 8983
following apply: 8984

(i) The penitent, at the time of the communication, is either 8985
a child under eighteen years of age or a mentally retarded, 8986
developmentally disabled, or physically impaired person under 8987
twenty-one years of age. 8988

(ii) The cleric knows, or has reasonable cause to believe 8989
based on facts that would cause a reasonable person in a similar 8990
position to believe, as a result of the communication or any 8991
observations made during that communication, the penitent has 8992
suffered or faces a threat of suffering any physical or mental 8993
wound, injury, disability, or condition of a nature that 8994
reasonably indicates abuse or neglect of the penitent. 8995

(iii) The abuse or neglect does not arise out of the 8996

penitent's attempt to have an abortion performed upon a child 8997
under eighteen years of age or upon a mentally retarded, 8998
developmentally disabled, or physically impaired person under 8999
twenty-one years of age without the notification of her parents, 9000
guardian, or custodian in accordance with section 2151.85 of the 9001
Revised Code. 9002

(d) Divisions (A)(4)(a) and (c) of this section do not apply 9003
in a cleric-penitent relationship when the disclosure of any 9004
communication the cleric receives from the penitent is in 9005
violation of the sacred trust. 9006

(e) As used in divisions (A)(1) and (4) of this section, 9007
"cleric" and "sacred trust" have the same meanings as in section 9008
2317.02 of the Revised Code. 9009

(B) Anyone who knows, or has reasonable cause to suspect 9010
based on facts that would cause a reasonable person in similar 9011
circumstances to suspect, that a child under eighteen years of age 9012
or a mentally retarded, developmentally disabled, or physically 9013
impaired person under twenty-one years of age has suffered or 9014
faces a threat of suffering any physical or mental wound, injury, 9015
disability, or other condition of a nature that reasonably 9016
indicates abuse or neglect of the child may report or cause 9017
reports to be made of that knowledge or reasonable cause to 9018
suspect to the entity or persons specified in this division. 9019
Except as provided in section 5120.173 of the Revised Code, a 9020
person making a report or causing a report to be made under this 9021
division shall make it or cause it to be made to the public 9022
children services agency or to a municipal or county peace 9023
officer. In the circumstances described in section 5120.173 of the 9024
Revised Code, a person making a report or causing a report to be 9025
made under this division shall make it or cause it to be made to 9026
the entity specified in that section. 9027

(C) Any report made pursuant to division (A) or (B) of this 9028

section shall be made forthwith either by telephone or in person 9029
and shall be followed by a written report, if requested by the 9030
receiving agency or officer. The written report shall contain: 9031

(1) The names and addresses of the child and the child's 9032
parents or the person or persons having custody of the child, if 9033
known; 9034

(2) The child's age and the nature and extent of the child's 9035
injuries, abuse, or neglect that is known or reasonably suspected 9036
or believed, as applicable, to have occurred or of the threat of 9037
injury, abuse, or neglect that is known or reasonably suspected or 9038
believed, as applicable, to exist, including any evidence of 9039
previous injuries, abuse, or neglect; 9040

(3) Any other information that might be helpful in 9041
establishing the cause of the injury, abuse, or neglect that is 9042
known or reasonably suspected or believed, as applicable, to have 9043
occurred or of the threat of injury, abuse, or neglect that is 9044
known or reasonably suspected or believed, as applicable, to 9045
exist. 9046

Any person, who is required by division (A) of this section 9047
to report child abuse or child neglect that is known or reasonably 9048
suspected or believed to have occurred, may take or cause to be 9049
taken color photographs of areas of trauma visible on a child and, 9050
if medically indicated, cause to be performed radiological 9051
examinations of the child. 9052

(D) As used in this division, "children's advocacy center" 9053
and "sexual abuse of a child" have the same meanings as in section 9054
2151.425 of the Revised Code. 9055

(1) When a municipal or county peace officer receives a 9056
report concerning the possible abuse or neglect of a child or the 9057
possible threat of abuse or neglect of a child, upon receipt of 9058
the report, the municipal or county peace officer who receives the 9059

report shall refer the report to the appropriate public children 9060
services agency. 9061

(2) When a public children services agency receives a report 9062
pursuant to this division or division (A) or (B) of this section, 9063
upon receipt of the report, the public children services agency 9064
shall do both of the following: 9065

(a) Comply with section 2151.422 of the Revised Code; 9066

(b) If the county served by the agency is also served by a 9067
children's advocacy center and the report alleges sexual abuse of 9068
a child or another type of abuse of a child that is specified in 9069
the memorandum of understanding that creates the center as being 9070
within the center's jurisdiction, comply regarding the report with 9071
the protocol and procedures for referrals and investigations, with 9072
the coordinating activities, and with the authority or 9073
responsibility for performing or providing functions, activities, 9074
and services stipulated in the interagency agreement entered into 9075
under section 2151.428 of the Revised Code relative to that 9076
center. 9077

(E) No township, municipal, or county peace officer shall 9078
remove a child about whom a report is made pursuant to this 9079
section from the child's parents, stepparents, or guardian or any 9080
other persons having custody of the child without consultation 9081
with the public children services agency, unless, in the judgment 9082
of the officer, and, if the report was made by physician, the 9083
physician, immediate removal is considered essential to protect 9084
the child from further abuse or neglect. The agency that must be 9085
consulted shall be the agency conducting the investigation of the 9086
report as determined pursuant to section 2151.422 of the Revised 9087
Code. 9088

(F)(1) Except as provided in section 2151.422 of the Revised 9089
Code or in an interagency agreement entered into under section 9090

2151.428 of the Revised Code that applies to the particular 9091
report, the public children services agency shall investigate, 9092
within twenty-four hours, each report of child abuse or child 9093
neglect that is known or reasonably suspected or believed to have 9094
occurred and of a threat of child abuse or child neglect that is 9095
known or reasonably suspected or believed to exist that is 9096
referred to it under this section to determine the circumstances 9097
surrounding the injuries, abuse, or neglect or the threat of 9098
injury, abuse, or neglect, the cause of the injuries, abuse, 9099
neglect, or threat, and the person or persons responsible. The 9100
investigation shall be made in cooperation with the law 9101
enforcement agency and in accordance with the memorandum of 9102
understanding prepared under division (J) of this section. A 9103
representative of the public children services agency shall, at 9104
the time of initial contact with the person subject to the 9105
investigation, inform the person of the specific complaints or 9106
allegations made against the person. The information shall be 9107
given in a manner that is consistent with division (H)(1) of this 9108
section and protects the rights of the person making the report 9109
under this section. 9110

A failure to make the investigation in accordance with the 9111
memorandum is not grounds for, and shall not result in, the 9112
dismissal of any charges or complaint arising from the report or 9113
the suppression of any evidence obtained as a result of the report 9114
and does not give, and shall not be construed as giving, any 9115
rights or any grounds for appeal or post-conviction relief to any 9116
person. The public children services agency shall report each case 9117
to the uniform statewide automated child welfare information 9118
system that the department of job and family services shall 9119
maintain in accordance with section 5101.13 of the Revised Code. 9120
The public children services agency shall submit a report of its 9121
investigation, in writing, to the law enforcement agency. 9122

(2) The public children services agency shall make any 9123
recommendations to the county prosecuting attorney or city 9124
director of law that it considers necessary to protect any 9125
children that are brought to its attention. 9126

(G)(1)(a) Except as provided in division (H)(3) of this 9127
section, anyone or any hospital, institution, school, health 9128
department, or agency participating in the making of reports under 9129
division (A) of this section, anyone or any hospital, institution, 9130
school, health department, or agency participating in good faith 9131
in the making of reports under division (B) of this section, and 9132
anyone participating in good faith in a judicial proceeding 9133
resulting from the reports, shall be immune from any civil or 9134
criminal liability for injury, death, or loss to person or 9135
property that otherwise might be incurred or imposed as a result 9136
of the making of the reports or the participation in the judicial 9137
proceeding. 9138

(b) Notwithstanding section 4731.22 of the Revised Code, the 9139
physician-patient privilege shall not be a ground for excluding 9140
evidence regarding a child's injuries, abuse, or neglect, or the 9141
cause of the injuries, abuse, or neglect in any judicial 9142
proceeding resulting from a report submitted pursuant to this 9143
section. 9144

(2) In any civil or criminal action or proceeding in which it 9145
is alleged and proved that participation in the making of a report 9146
under this section was not in good faith or participation in a 9147
judicial proceeding resulting from a report made under this 9148
section was not in good faith, the court shall award the 9149
prevailing party reasonable attorney's fees and costs and, if a 9150
civil action or proceeding is voluntarily dismissed, may award 9151
reasonable attorney's fees and costs to the party against whom the 9152
civil action or proceeding is brought. 9153

(H)(1) Except as provided in divisions (H)(4) and (N) of this 9154

section, a report made under this section is confidential. The 9155
information provided in a report made pursuant to this section and 9156
the name of the person who made the report shall not be released 9157
for use, and shall not be used, as evidence in any civil action or 9158
proceeding brought against the person who made the report. Nothing 9159
in this division shall preclude the use of reports of other 9160
incidents of known or suspected abuse or neglect in a civil action 9161
or proceeding brought pursuant to division (M) of this section 9162
against a person who is alleged to have violated division (A)(1) 9163
of this section, provided that any information in a report that 9164
would identify the child who is the subject of the report or the 9165
maker of the report, if the maker of the report is not the 9166
defendant or an agent or employee of the defendant, has been 9167
redacted. In a criminal proceeding, the report is admissible in 9168
evidence in accordance with the Rules of Evidence and is subject 9169
to discovery in accordance with the Rules of Criminal Procedure. 9170

(2) No person shall permit or encourage the unauthorized 9171
dissemination of the contents of any report made under this 9172
section. 9173

(3) A person who knowingly makes or causes another person to 9174
make a false report under division (B) of this section that 9175
alleges that any person has committed an act or omission that 9176
resulted in a child being an abused child or a neglected child is 9177
guilty of a violation of section 2921.14 of the Revised Code. 9178

(4) If a report is made pursuant to division (A) or (B) of 9179
this section and the child who is the subject of the report dies 9180
for any reason at any time after the report is made, but before 9181
the child attains eighteen years of age, the public children 9182
services agency or municipal or county peace officer to which the 9183
report was made or referred, on the request of the child fatality 9184
review board, shall submit a summary sheet of information 9185
providing a summary of the report to the review board of the 9186

county in which the deceased child resided at the time of death. 9187
On the request of the review board, the agency or peace officer 9188
may, at its discretion, make the report available to the review 9189
board. If the county served by the public children services agency 9190
is also served by a children's advocacy center and the report of 9191
alleged sexual abuse of a child or another type of abuse of a 9192
child is specified in the memorandum of understanding that creates 9193
the center as being within the center's jurisdiction, the agency 9194
or center shall perform the duties and functions specified in this 9195
division in accordance with the interagency agreement entered into 9196
under section 2151.428 of the Revised Code relative to that 9197
advocacy center. 9198

(5) A public children services agency shall advise a person 9199
alleged to have inflicted abuse or neglect on a child who is the 9200
subject of a report made pursuant to this section, including a 9201
report alleging sexual abuse of a child or another type of abuse 9202
of a child referred to a children's advocacy center pursuant to an 9203
interagency agreement entered into under section 2151.428 of the 9204
Revised Code, in writing of the disposition of the investigation. 9205
The agency shall not provide to the person any information that 9206
identifies the person who made the report, statements of 9207
witnesses, or police or other investigative reports. 9208

(I) Any report that is required by this section, other than a 9209
report that is made to the state highway patrol as described in 9210
section 5120.173 of the Revised Code, shall result in protective 9211
services and emergency supportive services being made available by 9212
the public children services agency on behalf of the children 9213
about whom the report is made, in an effort to prevent further 9214
neglect or abuse, to enhance their welfare, and, whenever 9215
possible, to preserve the family unit intact. The agency required 9216
to provide the services shall be the agency conducting the 9217
investigation of the report pursuant to section 2151.422 of the 9218

Revised Code. 9219

(J)(1) Each public children services agency shall prepare a 9220
memorandum of understanding that is signed by all of the 9221
following: 9222

(a) If there is only one juvenile judge in the county, the 9223
juvenile judge of the county or the juvenile judge's 9224
representative; 9225

(b) If there is more than one juvenile judge in the county, a 9226
juvenile judge or the juvenile judges' representative selected by 9227
the juvenile judges or, if they are unable to do so for any 9228
reason, the juvenile judge who is senior in point of service or 9229
the senior juvenile judge's representative; 9230

(c) The county peace officer; 9231

(d) All chief municipal peace officers within the county; 9232

(e) Other law enforcement officers handling child abuse and 9233
neglect cases in the county; 9234

(f) The prosecuting attorney of the county; 9235

(g) If the public children services agency is not the county 9236
department of job and family services, the county department of 9237
job and family services; 9238

(h) The county humane society; 9239

(i) If the public children services agency participated in 9240
the execution of a memorandum of understanding under section 9241
2151.426 of the Revised Code establishing a children's advocacy 9242
center, each participating member of the children's advocacy 9243
center established by the memorandum. 9244

(2) A memorandum of understanding shall set forth the normal 9245
operating procedure to be employed by all concerned officials in 9246
the execution of their respective responsibilities under this 9247
section and division (C) of section 2919.21, division (B)(1) of 9248

section 2919.22, division (B) of section 2919.23, and section 9249
2919.24 of the Revised Code and shall have as two of its primary 9250
goals the elimination of all unnecessary interviews of children 9251
who are the subject of reports made pursuant to division (A) or 9252
(B) of this section and, when feasible, providing for only one 9253
interview of a child who is the subject of any report made 9254
pursuant to division (A) or (B) of this section. A failure to 9255
follow the procedure set forth in the memorandum by the concerned 9256
officials is not grounds for, and shall not result in, the 9257
dismissal of any charges or complaint arising from any reported 9258
case of abuse or neglect or the suppression of any evidence 9259
obtained as a result of any reported child abuse or child neglect 9260
and does not give, and shall not be construed as giving, any 9261
rights or any grounds for appeal or post-conviction relief to any 9262
person. 9263

(3) A memorandum of understanding shall include all of the 9264
following: 9265

(a) The roles and responsibilities for handling emergency and 9266
nonemergency cases of abuse and neglect; 9267

(b) Standards and procedures to be used in handling and 9268
coordinating investigations of reported cases of child abuse and 9269
reported cases of child neglect, methods to be used in 9270
interviewing the child who is the subject of the report and who 9271
allegedly was abused or neglected, and standards and procedures 9272
addressing the categories of persons who may interview the child 9273
who is the subject of the report and who allegedly was abused or 9274
neglected. 9275

(4) If a public children services agency participated in the 9276
execution of a memorandum of understanding under section 2151.426 9277
of the Revised Code establishing a children's advocacy center, the 9278
agency shall incorporate the contents of that memorandum in the 9279
memorandum prepared pursuant to this section. 9280

(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. 9343

(M) Whoever violates division (A) of this section is liable 9344
for compensatory and exemplary damages to the child who would have 9345
been the subject of the report that was not made. A person who 9346
brings a civil action or proceeding pursuant to this division 9347
against a person who is alleged to have violated division (A)(1) 9348
of this section may use in the action or proceeding reports of 9349
other incidents of known or suspected abuse or neglect, provided 9350
that any information in a report that would identify the child who 9351
is the subject of the report or the maker of the report, if the 9352
maker is not the defendant or an agent or employee of the 9353
defendant, has been redacted. 9354

(N)(1) As used in this division: 9355

(a) "Out-of-home care" includes a nonchartered nonpublic 9356
school if the alleged child abuse or child neglect, or alleged 9357
threat of child abuse or child neglect, described in a report 9358
received by a public children services agency allegedly occurred 9359
in or involved the nonchartered nonpublic school and the alleged 9360
perpetrator named in the report holds a certificate, permit, or 9361
license issued by the state board of education under section 9362
3301.071 or Chapter 3319. of the Revised Code. 9363

(b) "Administrator, director, or other chief administrative 9364
officer" means the superintendent of the school district if the 9365
out-of-home care entity subject to a report made pursuant to this 9366
section is a school operated by the district. 9367

(2) No later than the end of the day following the day on 9368
which a public children services agency receives a report of 9369
alleged child abuse or child neglect, or a report of an alleged 9370
threat of child abuse or child neglect, that allegedly occurred in 9371
or involved an out-of-home care entity, the agency shall provide 9372
written notice of the allegations contained in and the person 9373

named as the alleged perpetrator in the report to the 9374
administrator, director, or other chief administrative officer of 9375
the out-of-home care entity that is the subject of the report 9376
unless the administrator, director, or other chief administrative 9377
officer is named as an alleged perpetrator in the report. If the 9378
administrator, director, or other chief administrative officer of 9379
an out-of-home care entity is named as an alleged perpetrator in a 9380
report of alleged child abuse or child neglect, or a report of an 9381
alleged threat of child abuse or child neglect, that allegedly 9382
occurred in or involved the out-of-home care entity, the agency 9383
shall provide the written notice to the owner or governing board 9384
of the out-of-home care entity that is the subject of the report. 9385
The agency shall not provide witness statements or police or other 9386
investigative reports. 9387

(3) No later than three days after the day on which a public 9388
children services agency that conducted the investigation as 9389
determined pursuant to section 2151.422 of the Revised Code makes 9390
a disposition of an investigation involving a report of alleged 9391
child abuse or child neglect, or a report of an alleged threat of 9392
child abuse or child neglect, that allegedly occurred in or 9393
involved an out-of-home care entity, the agency shall send written 9394
notice of the disposition of the investigation to the 9395
administrator, director, or other chief administrative officer and 9396
the owner or governing board of the out-of-home care entity. The 9397
agency shall not provide witness statements or police or other 9398
investigative reports. 9399

(O) As used in this section, "investigation" means the public 9400
children services agency's response to an accepted report of child 9401
abuse or neglect through either an alternative response or a 9402
traditional response. 9403

Sec. 2152.19. (A) If a child is adjudicated a delinquent 9404

child, the court may make any of the following orders of 9405
disposition, in addition to any other disposition authorized or 9406
required by this chapter: 9407

(1) Any order that is authorized by section 2151.353 of the 9408
Revised Code for the care and protection of an abused, neglected, 9409
or dependent child; 9410

(2) Commit the child to the temporary custody of any school, 9411
camp, institution, or other facility operated for the care of 9412
delinquent children by the county, by a district organized under 9413
section 2152.41 or 2151.65 of the Revised Code, or by a private 9414
agency or organization, within or without the state, that is 9415
authorized and qualified to provide the care, treatment, or 9416
placement required, including, but not limited to, a school, camp, 9417
or facility operated under section 2151.65 of the Revised Code; 9418

(3) Place the child in a detention facility or district 9419
detention facility operated under section 2152.41 of the Revised 9420
Code, for up to ninety days; 9421

(4) Place the child on community control under any sanctions, 9422
services, and conditions that the court prescribes. As a condition 9423
of community control in every case and in addition to any other 9424
condition that it imposes upon the child, the court shall require 9425
the child to abide by the law during the period of community 9426
control. As referred to in this division, community control 9427
includes, but is not limited to, the following sanctions and 9428
conditions: 9429

(a) A period of basic probation supervision in which the 9430
child is required to maintain contact with a person appointed to 9431
supervise the child in accordance with sanctions imposed by the 9432
court; 9433

(b) A period of intensive probation supervision in which the 9434
child is required to maintain frequent contact with a person 9435

appointed by the court to supervise the child while the child is 9436
seeking or maintaining employment and participating in training, 9437
education, and treatment programs as the order of disposition; 9438

(c) A period of day reporting in which the child is required 9439
each day to report to and leave a center or another approved 9440
reporting location at specified times in order to participate in 9441
work, education or training, treatment, and other approved 9442
programs at the center or outside the center; 9443

(d) A period of community service of up to five hundred hours 9444
for an act that would be a felony or a misdemeanor of the first 9445
degree if committed by an adult, up to two hundred hours for an 9446
act that would be a misdemeanor of the second, third, or fourth 9447
degree if committed by an adult, or up to thirty hours for an act 9448
that would be a minor misdemeanor if committed by an adult; 9449

(e) A requirement that the child obtain a high school 9450
diploma, a certificate of high school equivalence, vocational 9451
training, or employment; 9452

(f) A period of drug and alcohol use monitoring; 9453

(g) A requirement of alcohol or drug assessment or 9454
counseling, or a period in an alcohol or drug treatment program 9455
with a level of security for the child as determined necessary by 9456
the court; 9457

(h) A period in which the court orders the child to observe a 9458
curfew that may involve daytime or evening hours; 9459

(i) A requirement that the child serve monitored time; 9460

(j) A period of house arrest without electronic monitoring or 9461
continuous alcohol monitoring; 9462

(k) A period of electronic monitoring or continuous alcohol 9463
monitoring without house arrest, or house arrest with electronic 9464
monitoring or continuous alcohol monitoring or both electronic 9465

monitoring and continuous alcohol monitoring, that does not exceed 9466
the maximum sentence of imprisonment that could be imposed upon an 9467
adult who commits the same act. 9468

A period of house arrest with electronic monitoring or 9469
continuous alcohol monitoring or both electronic monitoring and 9470
continuous alcohol monitoring, imposed under this division shall 9471
not extend beyond the child's twenty-first birthday. If a court 9472
imposes a period of house arrest with electronic monitoring or 9473
continuous alcohol monitoring or both electronic monitoring and 9474
continuous alcohol monitoring, upon a child under this division, 9475
it shall require the child: to remain in the child's home or other 9476
specified premises for the entire period of house arrest with 9477
electronic monitoring or continuous alcohol monitoring or both 9478
except when the court permits the child to leave those premises to 9479
go to school or to other specified premises. Regarding electronic 9480
monitoring, the court also shall require the child to be monitored 9481
by a central system that can determine the child's location at 9482
designated times; to report periodically to a person designated by 9483
the court; and to enter into a written contract with the court 9484
agreeing to comply with all requirements imposed by the court, 9485
agreeing to pay any fee imposed by the court for the costs of the 9486
house arrest with electronic monitoring, and agreeing to waive the 9487
right to receive credit for any time served on house arrest with 9488
electronic monitoring toward the period of any other dispositional 9489
order imposed upon the child if the child violates any of the 9490
requirements of the dispositional order of house arrest with 9491
electronic monitoring. The court also may impose other reasonable 9492
requirements upon the child. 9493

Unless ordered by the court, a child shall not receive credit 9494
for any time served on house arrest with electronic monitoring or 9495
continuous alcohol monitoring or both toward any other 9496
dispositional order imposed upon the child for the act for which 9497

was imposed the dispositional order of house arrest with 9498
electronic monitoring or continuous alcohol monitoring. As used in 9499
this division and division (A)(4)(1) of this section, "continuous 9500
alcohol monitoring" has the same meaning as in section 2929.01 of 9501
the Revised Code. 9502

(1) A suspension of the driver's license, probationary 9503
driver's license, or temporary instruction permit issued to the 9504
child for a period of time prescribed by the court, or a 9505
suspension of the registration of all motor vehicles registered in 9506
the name of the child for a period of time prescribed by the 9507
court. A child whose license or permit is so suspended is 9508
ineligible for issuance of a license or permit during the period 9509
of suspension. At the end of the period of suspension, the child 9510
shall not be reissued a license or permit until the child has paid 9511
any applicable reinstatement fee and complied with all 9512
requirements governing license reinstatement. 9513

(5) Commit the child to the custody of the court; 9514

(6) Require the child to not be absent without legitimate 9515
excuse from the public school the child is supposed to attend for 9516
five or more consecutive days, seven or more school days in one 9517
school month, or twelve or more school days in a school year; 9518

(7)(a) If a child is adjudicated a delinquent child for being 9519
a chronic truant or a habitual truant who previously has been 9520
adjudicated an unruly child for being a habitual truant, do either 9521
or both of the following: 9522

(i) Require the child to participate in a truancy prevention 9523
mediation program; 9524

(ii) Make any order of disposition as authorized by this 9525
section, except that the court shall not commit the child to a 9526
facility described in division (A)(2) or (3) of this section 9527
unless the court determines that the child violated a lawful court 9528

order made pursuant to division (C)(1)(e) of section 2151.354 of 9529
the Revised Code or division (A)(6) of this section. 9530

(b) If a child is adjudicated a delinquent child for being a 9531
chronic truant or a habitual truant who previously has been 9532
adjudicated an unruly child for being a habitual truant and the 9533
court determines that the parent, guardian, or other person having 9534
care of the child has failed to cause the child's attendance at 9535
school in violation of section 3321.38 of the Revised Code, do 9536
either or both of the following: 9537

(i) Require the parent, guardian, or other person having care 9538
of the child to participate in a truancy prevention mediation 9539
program; 9540

(ii) Require the parent, guardian, or other person having 9541
care of the child to participate in any community service program, 9542
preferably a community service program that requires the 9543
involvement of the parent, guardian, or other person having care 9544
of the child in the school attended by the child. 9545

(8) Make any further disposition that the court finds proper, 9546
except that the child shall not be placed in ~~any of the following:~~ 9547

~~(a) A a state correctional institution, a county,~~ 9548
~~multicounty, or municipal jail or workhouse, or another place in~~ 9549
~~which an adult convicted of a crime, under arrest, or charged with~~ 9550
~~a crime is held;~~ 9551

~~(b) A community corrections facility, if the child would be~~ 9552
~~covered by the definition of public safety beds for purposes of~~ 9553
~~sections 5139.41 to 5139.43 of the Revised Code if the court~~ 9554
~~exercised its authority to commit the child to the legal custody~~ 9555
~~of the department of youth services for institutionalization or~~ 9556
~~institutionalization in a secure facility pursuant to this~~ 9557
~~chapter.~~ 9558

(B) If a child is adjudicated a delinquent child, in addition 9559

to any order of disposition made under division (A) of this 9560
section, the court, in the following situations and for the 9561
specified periods of time, shall suspend the child's temporary 9562
instruction permit, restricted license, probationary driver's 9563
license, or nonresident operating privilege, or suspend the 9564
child's ability to obtain such a permit: 9565

(1) If the child is adjudicated a delinquent child for 9566
violating section 2923.122 of the Revised Code, impose a class 9567
four suspension of the child's license, permit, or privilege from 9568
the range specified in division (A)(4) of section 4510.02 of the 9569
Revised Code or deny the child the issuance of a license or permit 9570
in accordance with division (F)(1) of section 2923.122 of the 9571
Revised Code. 9572

(2) If the child is adjudicated a delinquent child for 9573
committing an act that if committed by an adult would be a drug 9574
abuse offense or for violating division (B) of section 2917.11 of 9575
the Revised Code, suspend the child's license, permit, or 9576
privilege for a period of time prescribed by the court. The court, 9577
in its discretion, may terminate the suspension if the child 9578
attends and satisfactorily completes a drug abuse or alcohol abuse 9579
education, intervention, or treatment program specified by the 9580
court. During the time the child is attending a program described 9581
in this division, the court shall retain the child's temporary 9582
instruction permit, probationary driver's license, or driver's 9583
license, and the court shall return the permit or license if it 9584
terminates the suspension as described in this division. 9585

(C) The court may establish a victim-offender mediation 9586
program in which victims and their offenders meet to discuss the 9587
offense and suggest possible restitution. If the court obtains the 9588
assent of the victim of the delinquent act committed by the child, 9589
the court may require the child to participate in the program. 9590

(D)(1) If a child is adjudicated a delinquent child for 9591

committing an act that would be a felony if committed by an adult 9592
and if the child caused, attempted to cause, threatened to cause, 9593
or created a risk of physical harm to the victim of the act, the 9594
court, prior to issuing an order of disposition under this 9595
section, shall order the preparation of a victim impact statement 9596
by the probation department of the county in which the victim of 9597
the act resides, by the court's own probation department, or by a 9598
victim assistance program that is operated by the state, a county, 9599
a municipal corporation, or another governmental entity. The court 9600
shall consider the victim impact statement in determining the 9601
order of disposition to issue for the child. 9602

(2) Each victim impact statement shall identify the victim of 9603
the act for which the child was adjudicated a delinquent child, 9604
itemize any economic loss suffered by the victim as a result of 9605
the act, identify any physical injury suffered by the victim as a 9606
result of the act and the seriousness and permanence of the 9607
injury, identify any change in the victim's personal welfare or 9608
familial relationships as a result of the act and any 9609
psychological impact experienced by the victim or the victim's 9610
family as a result of the act, and contain any other information 9611
related to the impact of the act upon the victim that the court 9612
requires. 9613

(3) A victim impact statement shall be kept confidential and 9614
is not a public record. However, the court may furnish copies of 9615
the statement to the department of youth services if the 9616
delinquent child is committed to the department or to both the 9617
adjudicated delinquent child or the adjudicated delinquent child's 9618
counsel and the prosecuting attorney. The copy of a victim impact 9619
statement furnished by the court to the department pursuant to 9620
this section shall be kept confidential and is not a public 9621
record. If an officer is preparing pursuant to section 2947.06 or 9622
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 9623

investigation report pertaining to a person, the court shall make 9624
available to the officer, for use in preparing the report, a copy 9625
of any victim impact statement regarding that person. The copies 9626
of a victim impact statement that are made available to the 9627
adjudicated delinquent child or the adjudicated delinquent child's 9628
counsel and the prosecuting attorney pursuant to this division 9629
shall be returned to the court by the person to whom they were 9630
made available immediately following the imposition of an order of 9631
disposition for the child under this chapter. 9632

The copy of a victim impact statement that is made available 9633
pursuant to this division to an officer preparing a criminal 9634
presentence investigation report shall be returned to the court by 9635
the officer immediately following its use in preparing the report. 9636

(4) The department of youth services shall work with local 9637
probation departments and victim assistance programs to develop a 9638
standard victim impact statement. 9639

(E) If a child is adjudicated a delinquent child for being a 9640
chronic truant or a habitual truant who previously has been 9641
adjudicated an unruly child for being a habitual truant and the 9642
court determines that the parent, guardian, or other person having 9643
care of the child has failed to cause the child's attendance at 9644
school in violation of section 3321.38 of the Revised Code, in 9645
addition to any order of disposition it makes under this section, 9646
the court shall warn the parent, guardian, or other person having 9647
care of the child that any subsequent adjudication of the child as 9648
an unruly or delinquent child for being a habitual or chronic 9649
truant may result in a criminal charge against the parent, 9650
guardian, or other person having care of the child for a violation 9651
of division (C) of section 2919.21 or section 2919.24 of the 9652
Revised Code. 9653

(F)(1) During the period of a delinquent child's community 9654
control granted under this section, authorized probation officers 9655

who are engaged within the scope of their supervisory duties or 9656
responsibilities may search, with or without a warrant, the person 9657
of the delinquent child, the place of residence of the delinquent 9658
child, and a motor vehicle, another item of tangible or intangible 9659
personal property, or other real property in which the delinquent 9660
child has a right, title, or interest or for which the delinquent 9661
child has the express or implied permission of a person with a 9662
right, title, or interest to use, occupy, or possess if the 9663
probation officers have reasonable grounds to believe that the 9664
delinquent child is not abiding by the law or otherwise is not 9665
complying with the conditions of the delinquent child's community 9666
control. The court that places a delinquent child on community 9667
control under this section shall provide the delinquent child with 9668
a written notice that informs the delinquent child that authorized 9669
probation officers who are engaged within the scope of their 9670
supervisory duties or responsibilities may conduct those types of 9671
searches during the period of community control if they have 9672
reasonable grounds to believe that the delinquent child is not 9673
abiding by the law or otherwise is not complying with the 9674
conditions of the delinquent child's community control. The court 9675
also shall provide the written notice described in division (E)(2) 9676
of this section to each parent, guardian, or custodian of the 9677
delinquent child who is described in that division. 9678

(2) The court that places a child on community control under 9679
this section shall provide the child's parent, guardian, or other 9680
custodian with a written notice that informs them that authorized 9681
probation officers may conduct searches pursuant to division 9682
(E)(1) of this section. The notice shall specifically state that a 9683
permissible search might extend to a motor vehicle, another item 9684
of tangible or intangible personal property, or a place of 9685
residence or other real property in which a notified parent, 9686
guardian, or custodian has a right, title, or interest and that 9687
the parent, guardian, or custodian expressly or impliedly permits 9688

the child to use, occupy, or possess. 9689

(G) If a juvenile court commits a delinquent child to the 9690
custody of any person, organization, or entity pursuant to this 9691
section and if the delinquent act for which the child is so 9692
committed is a sexually oriented offense or is a child-victim 9693
oriented offense, the court in the order of disposition shall do 9694
one of the following: 9695

(1) Require that the child be provided treatment as described 9696
in division (A)(2) of section 5139.13 of the Revised Code; 9697

(2) Inform the person, organization, or entity that it is the 9698
preferred course of action in this state that the child be 9699
provided treatment as described in division (A)(2) of section 9700
5139.13 of the Revised Code and encourage the person, 9701
organization, or entity to provide that treatment. 9702

Sec. 2305.09. Except as provided for in division (C) of this 9703
section, an action for any of the following causes shall be 9704
brought within four years after the cause thereof accrued: 9705

(A) For trespassing upon real property; 9706

(B) For the recovery of personal property, or for taking or 9707
detaining it; 9708

(C) For relief on the ground of fraud, except when the cause 9709
of action is a violation of section 2913.49 of the Revised Code, 9710
in which case the action shall be brought within five years after 9711
the cause thereof accrued; 9712

(D) For an injury to the rights of the plaintiff not arising 9713
on contract nor enumerated in sections 1304.35, 2305.10 to 9714
2305.12, and 2305.14 of the Revised Code; 9715

(E) For relief on the grounds of a physical or regulatory 9716
taking of real property. 9717

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;	9747 9748
(b) The compensation of any personnel needed by the attorney general to administer sections 2743.51 to 2743.72 of the Revised Code;	9749 9750 9751
(c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code;	9752 9753
(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;	9754 9755
(e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;	9756 9757
(f) The costs of investigation and decision-making as certified by the attorney general;	9758 9759
(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	9760 9761 9762
(h) The costs of paying the expenses of sex offense-related examinations and , <u>antibiotics, and HIV post-exposure prophylaxis</u> pursuant to section 2907.28 of the Revised Code;	9763 9764 9765
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	9766 9767 9768
(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;	9769 9770 9771 9772 9773 9774
(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of	9775 9776

the Revised Code, of performing DNA analysis of those DNA 9777
specimens, and of entering the resulting DNA records regarding 9778
those analyses into the DNA database pursuant to section 109.573 9779
of the Revised Code; 9780

(l) The payment of actual costs associated with initiatives 9781
by the attorney general for the apprehension, prosecution, and 9782
accountability of offenders, and the enhancing of services to 9783
crime victims. The amount of payments made pursuant to division 9784
(A)(1)(l) of this section during any given fiscal year shall not 9785
exceed five per cent of the balance of the reparations fund at the 9786
close of the immediately previous fiscal year; 9787

(m) The costs of administering the adult parole authority's 9788
supervision pursuant to division (E) of section 2971.05 of the 9789
Revised Code of sexually violent predators who are sentenced to a 9790
prison term pursuant to division (A)(3) of section 2971.03 of the 9791
Revised Code and of offenders who are sentenced to a prison term 9792
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 9793
(c), or (B)(3)(a), (b), (c), or (d) of that section; 9794

(n) Subject to the limit set forth in those sections, the 9795
costs of the installation and monitoring of an electronic 9796
monitoring device used in the monitoring of a respondent pursuant 9797
to an electronic monitoring order issued by a court under division 9798
(E)(1)(b) of section 2151.34 or division (E)(1)(b) of section 9799
2903.214 of the Revised Code if the court determines that the 9800
respondent is indigent or used in the monitoring of an offender 9801
pursuant to an electronic monitoring order issued under division 9802
(B)(5) of section 2919.27 of the Revised Code if the court 9803
determines that the offender is indigent. 9804

(2) All costs paid pursuant to section 2743.70 of the Revised 9805
Code, the portions of license reinstatement fees mandated by 9806
division (F)(2)(b) of section 4511.191 of the Revised Code to be 9807
credited to the fund, the portions of the proceeds of the sale of 9808

a forfeited vehicle specified in division (C)(2) of section 9809
4503.234 of the Revised Code, payments collected by the department 9810
of rehabilitation and correction from prisoners who voluntarily 9811
participate in an approved work and training program pursuant to 9812
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 9813
all moneys collected by the state pursuant to its right of 9814
subrogation provided in section 2743.72 of the Revised Code shall 9815
be deposited in the fund. 9816

(B) In making an award of reparations, the attorney general 9817
shall render the award against the state. The award shall be 9818
accomplished only through the following procedure, and the 9819
following procedure may be enforced by writ of mandamus directed 9820
to the appropriate official: 9821

(1) The attorney general shall provide for payment of the 9822
claimant or providers in the amount of the award only if the 9823
amount of the award is fifty dollars or more. 9824

(2) The expense shall be charged against all available 9825
unencumbered moneys in the fund. 9826

(3) If sufficient unencumbered moneys do not exist in the 9827
fund, the attorney general shall make application for payment of 9828
the award out of the emergency purposes account or any other 9829
appropriation for emergencies or contingencies, and payment out of 9830
this account or other appropriation shall be authorized if there 9831
are sufficient moneys greater than the sum total of then pending 9832
emergency purposes account requests or requests for releases from 9833
the other appropriations. 9834

(4) If sufficient moneys do not exist in the account or any 9835
other appropriation for emergencies or contingencies to pay the 9836
award, the attorney general shall request the general assembly to 9837
make an appropriation sufficient to pay the award, and no payment 9838
shall be made until the appropriation has been made. The attorney 9839

general shall make this appropriation request during the current 9840
biennium and during each succeeding biennium until a sufficient 9841
appropriation is made. If, prior to the time that an appropriation 9842
is made by the general assembly pursuant to this division, the 9843
fund has sufficient unencumbered funds to pay the award or part of 9844
the award, the available funds shall be used to pay the award or 9845
part of the award, and the appropriation request shall be amended 9846
to request only sufficient funds to pay that part of the award 9847
that is unpaid. 9848

(C) The attorney general shall not make payment on a decision 9849
or order granting an award until all appeals have been determined 9850
and all rights to appeal exhausted, except as otherwise provided 9851
in this section. If any party to a claim for an award of 9852
reparations appeals from only a portion of an award, and a 9853
remaining portion provides for the payment of money by the state, 9854
that part of the award calling for the payment of money by the 9855
state and not a subject of the appeal shall be processed for 9856
payment as described in this section. 9857

(D) The attorney general shall prepare itemized bills for the 9858
costs of printing and distributing the pamphlet the attorney 9859
general prepares pursuant to section 109.42 of the Revised Code. 9860
The itemized bills shall set forth the name and address of the 9861
persons owed the amounts set forth in them. 9862

(E) As used in this section, "DNA analysis" and "DNA 9863
specimen" have the same meanings as in section 109.573 of the 9864
Revised Code. 9865

Sec. 2907.28. (A) Any cost incurred by a hospital or 9866
emergency medical facility in conducting a medical examination of 9867
a victim of an offense under any provision of sections 2907.02 to 9868
2907.06 of the Revised Code for the purpose of gathering physical 9869
evidence for a possible prosecution, including the cost of any 9870

antibiotics administered as part of the examination and the cost 9871
of HIV post-exposure prophylaxis provided as part of the 9872
examination, shall be paid out of the reparations fund established 9873
pursuant to section 2743.191 of the Revised Code, subject to the 9874
following conditions: 9875

(1) The hospital or emergency facility shall follow a 9876
protocol for conducting such medical examinations that is 9877
identified by the attorney general in rule adopted in accordance 9878
with Chapter 119. of the Revised Code. 9879

(2) The hospital or emergency facility shall submit requests 9880
for payment to the attorney general on a monthly basis, through a 9881
procedure determined by the attorney general and on forms approved 9882
by the attorney general. The requests shall identify the number of 9883
sexual assault examinations performed and the number of sexual 9884
assault examinations in which HIV post-exposure prophylaxis was 9885
provided and shall verify that all required protocols were met for 9886
each examination form submitted for payment in the request. 9887

(3) The attorney general shall review all requests for 9888
payment that are submitted under division (A)(2) of this section 9889
and shall submit for payment as described in division (A)(5) of 9890
this section all requests that meet the requirements of this 9891
section. 9892

(4)(a) The hospital or emergency facility shall accept a flat 9893
fee payment for conducting each examination in the amount 9894
determined by the attorney general pursuant to Chapter 119. of the 9895
Revised Code as payment in full for any cost incurred in 9896
conducting a medical examination and test of a victim of an 9897
offense under any provision of sections 2907.02 to 2907.06 of the 9898
Revised Code for the purpose of gathering physical evidence for a 9899
possible prosecution of a person, other than the cost of providing 9900
HIV post-exposure prophylaxis. The attorney general shall 9901
determine a flat fee payment amount to be paid under this division 9902

that is reasonable. 9903

(b) The hospital or emergency facility shall accept a flat 9904
fee payment for providing HIV post-exposure prophylaxis in the 9905
amount determined by the attorney general pursuant to Chapter 119. 9906
of the Revised Code as payment in full for any cost incurred in 9907
providing HIV post-exposure prophylaxis while conducting a medical 9908
examination and test of a victim of an offense under any provision 9909
of sections 2907.02 to 2907.06 of the Revised Code for the purpose 9910
of gathering physical evidence for a possible prosecution of a 9911
person. The attorney general shall determine a reasonable flat fee 9912
payment amount to be paid under this division. 9913

(5) In approving a payment under this section, the attorney 9914
general shall order the payment against the state. The payment 9915
shall be accomplished only through the following procedure, and 9916
the procedure may be enforced through a mandamus action and a writ 9917
of mandamus directed to the appropriate official: 9918

(a) The attorney general shall provide for payment in the 9919
amount set forth in the order. 9920

(b) The expense of the payment of the amount described in 9921
this section shall be charged against all available unencumbered 9922
moneys in the reparations fund. 9923

(B) No costs incurred by a hospital or emergency facility in 9924
conducting a medical examination and test of any victim of an 9925
offense under any provision of sections 2907.02 to 2907.06 of the 9926
Revised Code for the purpose of gathering physical evidence for a 9927
possible prosecution of a person shall be billed or charged 9928
directly or indirectly to the victim or the victim's insurer. 9929

(C) Any cost incurred by a hospital or emergency medical 9930
facility in conducting a medical examination and test of any 9931
person who is charged with a violation of division (B) of section 9932
2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.24, 9933

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 9965
bingo session shall make out, upon a form to be furnished by the 9966
attorney general for that purpose, an application for a license to 9967
conduct bingo, instant bingo at a bingo session, or instant bingo 9968
other than at a bingo session and deliver that application to the 9969
attorney general together with a license fee as follows: 9970

(a) Except as otherwise provided in this division, for a 9971
license for the conduct of bingo, two hundred dollars; 9972

(b) For a license for the conduct of instant bingo at a bingo 9973
session or instant bingo other than at a bingo session for a 9974
charitable organization that previously has not been licensed 9975
under this chapter to conduct instant bingo at a bingo session or 9976
instant bingo other than at a bingo session, a license fee of five 9977
hundred dollars, and for any other charitable organization, a 9978
license fee that is based upon the gross profits received by the 9979
charitable organization from the operation of instant bingo at a 9980
bingo session or instant bingo other than at a bingo session, 9981
during the one-year period ending on the thirty-first day of 9982
October of the year immediately preceding the year for which the 9983
license is sought, and that is one of the following: 9984

(i) Five hundred dollars, if the total is fifty thousand 9985
dollars or less; 9986

(ii) One thousand two hundred fifty dollars plus one-fourth 9987
per cent of the gross profit, if the total is more than fifty 9988
thousand dollars but less than two hundred fifty thousand one 9989
dollars; 9990

(iii) Two thousand two hundred fifty dollars plus one-half 9991
per cent of the gross profit, if the total is more than two 9992
hundred fifty thousand dollars but less than five hundred thousand 9993
one dollars; 9994

(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;	9995 9996 9997
(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;	9998 9999
(c) A reduced license fee established by the attorney general pursuant to division (G) of this section.	10000 10001
(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.	10002 10003 10004 10005 10006 10007
(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:	10008 10009 10010
(a) The name and post-office address of the applicant;	10011
(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;	10012 10013 10014 10015
(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;	10016 10017 10018 10019 10020 10021 10022
(d) A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant	10023 10024

is a charitable organization, and a copy of a determination letter 10025
that is issued by the Internal Revenue Service and states that the 10026
organization is tax exempt under subsection 501(a) and described 10027
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 10028
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 10029

(e) A statement as to whether the applicant has ever had any 10030
previous application refused, whether it previously has had a 10031
license revoked or suspended, and the reason stated by the 10032
attorney general for the refusal, revocation, or suspension; 10033

(f) A statement of the charitable purposes for which the net 10034
profit derived from bingo, other than instant bingo, will be used, 10035
and a statement of how the net profit derived from instant bingo 10036
will be distributed in accordance with section 2915.101 of the 10037
Revised Code; 10038

(g) Other necessary and reasonable information that the 10039
attorney general may require by rule adopted pursuant to section 10040
111.15 of the Revised Code; 10041

(h) If the applicant is a charitable trust as defined in 10042
section 109.23 of the Revised Code, a statement as to whether it 10043
has registered with the attorney general pursuant to section 10044
109.26 of the Revised Code or filed annual reports pursuant to 10045
section 109.31 of the Revised Code, and, if it is not required to 10046
do either, the exemption in section 109.26 or 109.31 of the 10047
Revised Code that applies to it; 10048

(i) If the applicant is a charitable organization as defined 10049
in section 1716.01 of the Revised Code, a statement as to whether 10050
it has filed with the attorney general a registration statement 10051
pursuant to section 1716.02 of the Revised Code and a financial 10052
report pursuant to section 1716.04 of the Revised Code, and, if it 10053
is not required to do both, the exemption in section 1716.03 of 10054
the Revised Code that applies to it; 10055

(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. 10089

(4) Within thirty days after receiving an initial license 10090
application from a charitable organization to conduct bingo, 10091
instant bingo at a bingo session, or instant bingo other than at a 10092
bingo session, the attorney general shall conduct a preliminary 10093
review of the application and notify the applicant regarding any 10094
deficiencies. Once an application is deemed complete, or beginning 10095
on the thirtieth day after the application is filed, if the 10096
attorney general failed to notify the applicant of any 10097
deficiencies, the attorney general shall have an additional sixty 10098
days to conduct an investigation and either grant or deny the 10099
application based on findings established and communicated in 10100
accordance with divisions (B) and (E) of this section. As an 10101
option to granting or denying an initial license application, the 10102
attorney general may grant a temporary license and request 10103
additional time to conduct the investigation if the attorney 10104
general has cause to believe that additional time is necessary to 10105
complete the investigation and has notified the applicant in 10106
writing about the specific concerns raised during the 10107
investigation. 10108

(B)(1) The attorney general shall adopt rules to enforce 10109
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 10110
Code to ensure that bingo or instant bingo is conducted in 10111
accordance with those sections and to maintain proper control over 10112
the conduct of bingo or instant bingo. The rules, except rules 10113
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 10114
shall be adopted pursuant to Chapter 119. of the Revised Code. The 10115
attorney general shall license charitable organizations to conduct 10116
bingo, instant bingo at a bingo session, or instant bingo other 10117
than at a bingo session in conformance with this chapter and with 10118
the licensing provisions of Chapter 119. of the Revised Code. 10119

(2) The attorney general may refuse to grant a license to any 10120

organization, or revoke or suspend the license of any 10121
organization, that does any of the following or to which any of 10122
the following applies: 10123

(a) Fails or has failed at any time to meet any requirement 10124
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 10125
2915.11 of the Revised Code, or violates or has violated any 10126
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 10127
Code or any rule adopted by the attorney general pursuant to this 10128
section; 10129

(b) Makes or has made an incorrect or false statement that is 10130
material to the granting of the license in an application filed 10131
pursuant to division (A) of this section; 10132

(c) Submits or has submitted any incorrect or false 10133
information relating to an application if the information is 10134
material to the granting of the license; 10135

(d) Maintains or has maintained any incorrect or false 10136
information that is material to the granting of the license in the 10137
records required to be kept pursuant to divisions (A) and (C) of 10138
section 2915.10 of the Revised Code, if applicable; 10139

(e) The attorney general has good cause to believe that the 10140
organization will not conduct bingo, instant bingo at a bingo 10141
session, or instant bingo other than at a bingo session in 10142
accordance with sections 2915.07 to 2915.13 of the Revised Code or 10143
with any rule adopted by the attorney general pursuant to this 10144
section. 10145

(3) For the purposes of division (B) of this section, any 10146
action of an officer, trustee, agent, representative, or bingo 10147
game operator of an organization is an action of the organization. 10148

(C) The attorney general may grant licenses to charitable 10149
organizations that are branches, lodges, or chapters of national 10150
charitable organizations. 10151

(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 10183
to comply with this division or to correct the mistake, but the 10184
attorney general's order refusing to grant, or revoking or 10185
suspending, a license shall not be enjoined during the pendency of 10186
the action. 10187

(F) A charitable organization that has been issued a license 10188
pursuant to division (B) of this section but that cannot conduct 10189
bingo or instant bingo at the location, or on the day of the week 10190
or at the time, specified on the license due to circumstances that 10191
make it impractical to do so, or that desires to conduct instant 10192
bingo other than at a bingo session at additional locations not 10193
identified on the license, may apply in writing, together with an 10194
application fee of two hundred fifty dollars, to the attorney 10195
general, at least thirty days prior to a change in or addition of 10196
a location, day of the week, or time, and request an amended 10197
license. ~~The~~ As applicable, the application shall describe the 10198
causes making it impractical for the organization to conduct bingo 10199
or instant bingo in conformity with its license and shall indicate 10200
the location, days of the week, and times on each of those days 10201
when it desires to conduct bingo or instant bingo and, as 10202
applicable, shall indicate the additional locations at which it 10203
desires to conduct instant bingo other than at a bingo session. 10204
Except as otherwise provided in this division, the attorney 10205
general shall issue the amended license in accordance with 10206
division (E) of this section, and the organization shall surrender 10207
its original license to the attorney general. The attorney general 10208
may refuse to grant an amended license according to the terms of 10209
division (B) of this section. 10210

(G) The attorney general, by rule adopted pursuant to section 10211
111.15 of the Revised Code, shall establish a schedule of reduced 10212
license fees for charitable organizations that desire to conduct 10213
bingo or instant bingo during fewer than twenty-six weeks in any 10214

calendar year. 10215

(H) The attorney general, by rule adopted pursuant to section 10216
111.15 of the Revised Code, shall establish license fees for the 10217
conduct of bingo, instant bingo at a bingo session, or instant 10218
bingo other than at a bingo session for charitable organizations 10219
that prior to July 1, 2003, have not been licensed to conduct 10220
bingo, instant bingo at a bingo session, or instant bingo other 10221
than at a bingo session under this chapter. 10222

(I) The attorney general may enter into a written contract 10223
with any other state agency to delegate to that state agency the 10224
powers prescribed to the attorney general under Chapter 2915. of 10225
the Revised Code. 10226

(J) The attorney general, by rule adopted pursuant to section 10227
111.15 of the Revised Code, may adopt rules to determine the 10228
requirements for a charitable organization that is exempt from 10229
federal income taxation under subsection 501(a) and described in 10230
subsection 501(c)(3) of the Internal Revenue Code to be in good 10231
standing in the state. 10232

Sec. 2925.61. (A) As used in this section: 10233

(1) "Administer naloxone" means to give naloxone to a person 10234
by either of the following routes: 10235

(a) Using a device manufactured for the intranasal 10236
administration of liquid drugs; 10237

(b) Using an autoinjector in a manufactured dosage form. 10238

(2) "Law enforcement agency" means a government entity that 10239
employs peace officers to perform law enforcement duties. 10240

(3) "Licensed health professional" means all of the 10241
following: 10242

(a) A physician who is authorized under Chapter 4731. of the 10243

Revised Code to practice medicine and surgery, osteopathic	10244
medicine and surgery, or podiatric medicine and surgery;	10245
(b) A physician assistant who holds a certificate to	10246
prescribe issued under Chapter 4730. of the Revised Code;	10247
(c) A clinical nurse specialist, certified nurse-midwife, or	10248
certified nurse practitioner who holds a certificate to prescribe	10249
issued under section 4723.48 of the Revised Code.	10250
(4) "Peace officer" has the same meaning as in section	10251
2921.51 of the Revised Code.	10252
(B) A family member, friend, or other individual who is in a	10253
position to assist an individual who is apparently experiencing or	10254
at risk of experiencing an opioid-related overdose, is not subject	10255
to criminal prosecution for a violation of section 4731.41 of the	10256
Revised Code or criminal prosecution under this chapter if the	10257
individual, acting in good faith, does all of the following:	10258
(1) Obtains naloxone from a licensed health professional or a	10259
prescription for naloxone from a licensed health professional;	10260
(2) Administers that naloxone to an individual who is	10261
apparently experiencing an opioid-related overdose;	10262
(3) Attempts to summon emergency services either immediately	10263
before or immediately after administering the naloxone.	10264
(C) Division (B) of this section does not apply to a peace	10265
officer or to an emergency medical technician-basic, emergency	10266
medical technician-intermediate, or emergency medical	10267
technician-paramedic, as defined in section 4765.01 of the Revised	10268
Code.	10269
(D) A peace officer employed by a law enforcement agency	10270
licensed under Chapter 4729. of the Revised Code as a terminal	10271
distributor of dangerous drugs is not subject to administrative	10272
action, criminal prosecution for a violation of section 4731.41 of	10273

the Revised Code, or criminal prosecution under this chapter if 10274
the peace officer, acting in good faith, obtains naloxone from the 10275
peace officer's law enforcement agency and administers the 10276
naloxone to an individual who is apparently experiencing an 10277
opioid-related overdose. 10278

Sec. 2929.201. Notwithstanding the time limitation for filing 10279
a motion under former section 2947.061 of the Revised Code, an 10280
offender whose offense was committed before July 1, 1996, and who 10281
otherwise satisfies the eligibility criteria for shock probation 10282
under that section as it existed immediately prior to July 1, 10283
1996, may apply to the offender's sentencing court for shock 10284
probation under that section on or after the effective date of 10285
this section. Not more than one motion may be filed by an offender 10286
under this section. Division (C) of former section 2947.061 of the 10287
Revised Code does not apply to a motion filed under this section. 10288
10289

Sec. 2945.402. (A) In approving a conditional release, the 10290
trial court may set any conditions on the release with respect to 10291
the treatment, evaluation, counseling, or control of the defendant 10292
or person that the court considers necessary to protect the public 10293
safety and the welfare of the defendant or person. The trial court 10294
may revoke a defendant's or person's conditional release and order 10295
reinstatement of the previous placement or reinstitutionalization 10296
at any time the conditions of the release have not been satisfied, 10297
provided that the revocation shall be in accordance with this 10298
section. 10299

(B) A conditional release is a commitment. The hearings on 10300
continued commitment as described in section 2945.401 of the 10301
Revised Code apply to a defendant or person on conditional 10302
release. 10303

(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 10336
required by divisions (E)(1)(c) and (d) of this section shall be 10337
entered into the file's miscellaneous field. The information 10338
reported and entered shall include all of the following: 10339

(a) The name of the court providing the information; 10340

(b) The offense or offenses with which the defendant or 10341
person was charged; 10342

(c) Whether the person was found not guilty by reason of 10343
insanity or incompetent to stand trial with no substantial 10344
probability of becoming competent even with a course of treatment; 10345

(d) The reason for the conditional release; 10346

(e) Any other information required for the entry of 10347
information into the national crime information center supervised 10348
release file. 10349

(2) Information entered into the national crime information 10350
center supervised release file pursuant to this section shall 10351
remain in the file until the termination of the conditional 10352
release or commitment. 10353

(3) If a defendant or person about whom information is 10354
entered into the national crime information center supervised 10355
release file pursuant to division (E)(1) of this section has 10356
contact with a law enforcement agency after the information is 10357
entered, the agency shall report the contact to the department of 10358
mental health and addiction services and, if the terms of the 10359
release require the defendant or person to receive mental health 10360
treatment, to the person, office, or agency providing the 10361
treatment. 10362

(4) As used in division (E) of this section, "local law 10363
enforcement agency" means the police department of a municipal 10364
corporation in which the offense with which a releasee was charged 10365

allegedly occurred or, if the offense did not allegedly occur in a 10366
municipal corporation, the sheriff of the county in which the 10367
offense allegedly occurred. 10368

Sec. 3123.89. (A) Subject to section 3770.071 of the Revised 10369
Code, a child support enforcement agency that determines that an 10370
obligor who is the recipient of a lottery prize award is subject 10371
to a final and enforceable determination of default made under 10372
sections 3123.01 to 3123.07 of the Revised Code shall issue an 10373
intercept directive to the director of the state lottery 10374
commission. A copy of this intercept directive shall be sent to 10375
the obligor. 10376

(B) The intercept directive shall require the director or the 10377
director's designee to transmit an amount or amounts from the 10378
proceeds of the specified lottery prize award to the office of 10379
child support in the department of job and family services. The 10380
intercept directive also shall contain all of the following 10381
information: 10382

(1) The name, address, and social security number or taxpayer 10383
identification number of the obligor; 10384

(2) A statement that the obligor has been determined to be in 10385
default under a support order; 10386

(3) The amount of the arrearage owed by the obligor as 10387
determined by the agency. 10388

(C) After receipt of an intercept directive and in accordance 10389
with section 3770.071 of the Revised Code, the director or the 10390
director's designee shall deduct the amount or amounts specified 10391
from the proceeds of the lottery prize award referred to in the 10392
directive and transmit the amounts to the office of child support. 10393

(D) The department of job and family services shall develop 10394
and implement a real time data match program with the state 10395

lottery commission and its lottery sales agents and lottery agents 10396
to identify obligors who are subject to a final and enforceable 10397
determination of default made under sections 3123.01 to 3123.07 of 10398
the Revised Code in accordance with section 3770.071 of the 10399
Revised Code. 10400

(E) Upon the data match program's implementation, the 10401
department, in consultation with the commission, shall promulgate 10402
rules to facilitate withholding, in appropriate circumstances, by 10403
the commission or its lottery sales agents or lottery agents of an 10404
amount sufficient to satisfy any past due support owed by an 10405
obligor from a lottery prize award owed to the obligor up to the 10406
amount of the award. The rules shall describe an expedited method 10407
for withholding, and the time frame for transmission of the amount 10408
withheld to the department. 10409

Sec. 3123.90. (A) As used in this section, "casino facility," 10410
"casino operator," and "management company" have the meanings 10411
defined in section 3772.01 of the Revised Code. 10412

(B) The department of job and family services shall develop 10413
and implement a real time data match program with each casino 10414
facility's casino operator or management company to identify 10415
obligors who are subject to a final and enforceable determination 10416
of default made under sections 3123.01 to 3123.07 of the Revised 10417
Code. 10418

(C) Upon the data match program's implementation, if a 10419
person's winnings at a casino facility are an amount for which 10420
reporting to the internal revenue service of the amount is 10421
required by section 6041 of the Internal Revenue Code, as amended, 10422
the casino operator or management company shall refer to the data 10423
match program to determine if the person entitled to the winnings 10424
is in default under a support order. If the data match program 10425
indicates that the person is in default, the casino operator or 10426

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. 10427
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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. 10431
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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. 10435
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Sec. 3301.03. Each elected voting member of the state board of education shall be a qualified elector residing in the territory composing the district from which the member is elected, and shall be nominated and elected to office as provided by Title XXXV of the Revised Code. Each appointed voting member of the board shall be a qualified elector residing in the state. At least four of the appointed voting members shall represent rural school districts in the state, as evidenced by the member's current place of residence and at least one of the following: 10438
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(A) The member's children attend, or at one time attended, school in a rural district; 10447
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(B) The member's past or present occupation is associated with rural areas of the state; 10449
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(C) The member possesses other credentials or experience demonstrating knowledge and familiarity with rural school districts. 10451
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10453

No elected or appointed voting member of the board shall, during the member's term of office, hold any other ~~public position~~ office of trust or profit or be an employee or officer of any 10454
10455
10456

public or private elementary or secondary school. Before entering 10457
on the duties of office, each elected and appointed voting member 10458
shall subscribe to the official oath of office. 10459

Each voting member of the state board of education shall be 10460
paid a salary fixed pursuant to division (J) of section 124.15 of 10461
the Revised Code, together with the member's actual and necessary 10462
expenses incurred while engaged in the performance of the member's 10463
official duties or in the conduct of authorized board business, 10464
and while en route to and from the member's home for such 10465
purposes. 10466

(D) As used in this section only, "office of trust or profit" 10467
means: 10468

(1) A federal or state elective office or an elected office 10469
of a political subdivision of the state; 10470

(2) A position on a board or commission of the state that is 10471
appointed by the governor; 10472

(3) An office set forth in section 121.03, 121.04, or 121.05 10473
of the Revised Code; 10474

(4) An office of the government of the United States that is 10475
appointed by the president of the United States. 10476

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 10477
Chapter 3301. or 3302. of the Revised Code, the board of education 10478
of a school district may submit to the superintendent of public 10479
instruction a request for a waiver for up to five school years 10480
from administering the state achievement assessments required 10481
under sections 3301.0710 and 3301.0712 of the Revised Code and 10482
related requirements specified under division (C)(2) of this 10483
section. A district that obtains a waiver under this section shall 10484
use the alternative assessment system, as proposed by the district 10485
or school and as approved by the state superintendent, in place of 10486

the assessments required under sections 3301.0710 and 3301.0712 of 10487
the Revised Code. 10488

(B) To be eligible to submit a request for a waiver under 10489
this section, a school district shall be a member of the Ohio 10490
innovation lab network. 10491

(C)(1) A request for a waiver under this section shall 10492
contain the following: 10493

(a) A timeline to develop and implement an alternative 10494
assessment system for the school district; 10495

(b) An overview of the proposed educational programs or 10496
strategies to be offered by the school district; 10497

(c) An overview of the proposed alternative assessment 10498
system, including links to state-accepted and nationally accepted 10499
metrics, assessments, and evaluations; 10500

(d) An overview of planning details that have been 10501
implemented or proposed and any documented support from 10502
educational networks, established educational consultants, state 10503
institutions of higher education as defined under section 3345.011 10504
of the Revised Code, and employers or workforce development 10505
partners; 10506

(e) An overview of the capacity to implement the alternative 10507
assessments, conduct the evaluation of teachers with alternative 10508
assessments, and the reporting of student achievement data with 10509
alternative assessments for the purpose of the report card ratings 10510
prescribed under section 3302.03 of the Revised Code, all of which 10511
shall include any prior success in implementing innovative 10512
educational programs or strategies, teaching practices, or 10513
assessment practices; 10514

(f) An acknowledgement by the school district of federal 10515
funding that may be impacted by obtaining a waiver. 10516

(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:

(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code;

(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;

(c) The reporting of student achievement data for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code.

(D) Each request for a waiver shall include the signature of all of the following:

(1) The superintendent of the school district;

(2) The president of the district board;

(3) The presiding officer of the labor organization representing the district's teachers, if any;

(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.

(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.

(F)(1) For the purpose of this section, the department of

education shall seek a waiver from the testing requirements 10547
prescribed under the "No Child Left Behind Act of 2001," if 10548
necessary to implement this section. 10549

(2) The department shall create a mechanism for the 10550
comparison of the alternative assessments prescribed under 10551
division (C) of this section and the assessments required under 10552
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 10553
to the evaluation of teachers and student achievement data for the 10554
purpose of state report card ratings. 10555

Sec. 3303.41. (A) There is hereby created the governor's 10556
council on people with disabilities. The council shall consist of 10557
twenty-one members of which the majority shall be people with 10558
disabilities as defined in this section, appointed by the governor 10559
for a term of three years except that for initial appointments, 10560
seven members shall be appointed for a term of one year, seven 10561
members shall be appointed for a term of two years, and seven 10562
members shall be appointed for a term of three years. Members may 10563
succeed themselves not more than one time. A member shall continue 10564
in office subsequent to the expiration of the member's term until 10565
the member's successor takes office. The governor shall ~~annually~~ 10566
appoint a chairperson ~~who may~~ to serve a two-year term. The 10567
chairperson shall not succeed himself or herself ~~not more than one~~ 10568
time as chairperson. The chairperson shall continue in office 10569
subsequent to the expiration of the chairperson's term until the 10570
chairperson's successor takes office. Members of the council shall 10571
serve without compensation, but shall be paid the actual and 10572
necessary expenses they incur in the performance of their duties. 10573

(B) The council shall meet at least six times annually at 10574
such times and places as may be designated by the chairperson. 10575

(C) The ~~governor's council on people with disabilities shall~~ 10576
~~be assigned to~~ executive director of the opportunities for Ohioans 10577

with disabilities agency ~~for administrative purposes. The~~ 10578
~~executive director of the opportunities for Ohioans with~~ 10579
~~disabilities agency shall assign one~~ provide the council with both 10580
of the following: 10581

(1) One professional staff person ~~to the council~~ to serve as 10582
executive secretary ~~and other personnel as determined advisable of~~ 10583
the council; 10584

(2) Any meeting space, office furniture, and equipment that 10585
are necessary for the council to fulfill its duties. 10586

(D) The council shall have the following powers: 10587

~~(A)~~(1) To cooperate with the president's committee on 10588
employment of the handicapped; 10589

~~(B)~~(2) To cooperate with all employers both public and 10590
private in locating or developing employment opportunities for 10591
people with disabilities; 10592

~~(C)~~(3) To encourage and assist in the creation of committees 10593
at the community level; 10594

~~(D)~~(4) To assist local, state, and federal agencies to 10595
coordinate their activities for the purpose of securing maximum 10596
utilization of funds and efforts that benefit people with 10597
disabilities; 10598

~~(E)~~(5) To encourage cooperation among public and private 10599
employers, unions, and rehabilitation agencies, bureaus, and 10600
organizations both public and private with a specific goal to 10601
facilitate employment of people with disabilities; 10602

~~(F)~~(6) To serve in an advisory capacity to the governor's 10603
office directly and as needed to the general assembly on issues 10604
relating to the needs, problems, and other concerns of people with 10605
disabilities; 10606

~~(G)~~(7) To conduct educational programs to acquaint the public 10607

with the abilities and accomplishments of people with 10608
disabilities; 10609

~~(H)~~(8) To promote the elimination of architectural barriers 10610
to make buildings used by the public accessible and useable by 10611
persons with physical limitations; 10612

~~(I)~~(9) To make such rules as it determines advisable for the 10613
conduct of its own business. 10614

(E) The council shall annually report to the governor on 10615
council activities and on the state of the people of this state 10616
with disabilities. This report may include any recommendations 10617
believed necessary or desirable to carry out the purposes of this 10618
section. 10619

(F) As used in this section, "person with a disability" means 10620
any individual who has a disability or condition that, regardless 10621
of its physical or mental origin, imposes a functional limitation. 10622

(G) It shall be lawful for any public employee or officer to 10623
serve as a member of the council. 10624

Sec. 3307.01. As used in this chapter: 10625

(A) "Employer" means the board of education, school district, 10626
governing authority of any community school established under 10627
Chapter 3314. of the Revised Code, a science, technology, 10628
engineering, and mathematics school established under Chapter 10629
3326. of the Revised Code, college, university, institution, or 10630
other agency within the state by which a teacher is employed and 10631
paid. 10632

(B)(1) "Teacher" means all of the following: 10633

~~(1)~~(a) Any person paid from public funds and employed in the 10634
public schools of the state under any type of contract described 10635
in section 3311.77 or 3319.08 of the Revised Code in a position 10636
for which the person is required to have a license issued pursuant 10637

to sections 3319.22 to 3319.31 of the Revised Code; 10638

~~(2)~~(b) Any person employed as a teacher by a community school 10639
or a science, technology, engineering, and mathematics school 10640
pursuant to Chapter 3314. or 3326. of the Revised Code; 10641

~~(3)~~(c) Any person having a license issued pursuant to 10642
sections 3319.22 to 3319.31 of the Revised Code and employed in a 10643
public school in this state in an educational position, as 10644
determined by the state board of education, under programs 10645
provided for by federal acts or regulations and financed in whole 10646
or in part from federal funds, but for which no licensure 10647
requirements for the position can be made under the provisions of 10648
such federal acts or regulations; 10649

~~(4) Any person having a license issued pursuant to sections 10650
3319.22 to 3319.31 of the Revised Code and performing services 10651
that are funded under section 3317.06 of the Revised Code and 10652
provided to students attending nonpublic schools, without regard 10653
to whether the services are performed in a public school and 10654
whether the person is employed under a contract with a third 10655
party; 10656~~

~~(5)~~(d) Any other teacher or faculty member employed in any 10657
school, college, university, institution, or other agency wholly 10658
controlled and managed, and supported in whole or in part, by the 10659
state or any political subdivision thereof, including Central 10660
state university, Cleveland state university, and the university 10661
of Toledo; 10662

~~(6)~~(e) The educational employees of the department of 10663
education, as determined by the state superintendent of public 10664
instruction. 10665

In all cases of doubt, the state teachers retirement board 10666
shall determine whether any person is a teacher, and its decision 10667
shall be final. 10668

(2) "Teacher" does not include any either of the following: 10669

(a) Any eligible employee of a public institution of higher 10670
education, as defined in section 3305.01 of the Revised Code, who 10671
elects to participate in an alternative retirement plan 10672
established under Chapter 3305. of the Revised Code; 10673

(b) Any person having a license issued pursuant to sections 10674
3319.22 to 3319.31 of the Revised Code and performing services 10675
that are funded under section 3317.06 of the Revised Code and 10676
provided to students attending nonpublic schools, without regard 10677
to whether the services are performed in a public school and 10678
whether the person is employed under a contract with a third 10679
party. 10680

(C) "Member" means any person included in the membership of 10681
the state teachers retirement system, which shall consist of all 10682
teachers and contributors as defined in divisions (B) and (D) of 10683
this section and all disability benefit recipients, as defined in 10684
section 3307.50 of the Revised Code. However, for purposes of this 10685
chapter, the following persons shall not be considered members: 10686

(1) A student, intern, or resident who is not a member while 10687
employed part-time by a school, college, or university at which 10688
the student, intern, or resident is regularly attending classes; 10689

(2) A person denied membership pursuant to section 3307.24 of 10690
the Revised Code; 10691

(3) An other system retirant, as defined in section 3307.35 10692
of the Revised Code, or a superannuate; 10693

(4) An individual employed in a program established pursuant 10694
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 10695
U.S.C.A. 1501; 10696

(5) The surviving spouse of a member or retirant if the 10697
surviving spouse's only connection to the retirement system is an 10698

account in an STRS defined contribution plan. 10699

(D) "Contributor" means any person who has an account in the 10700
teachers' savings fund or defined contribution fund, except that 10701
"contributor" does not mean a member or retirant's surviving 10702
spouse with an account in an STRS defined contribution plan. 10703

(E) "Beneficiary" means any person eligible to receive, or in 10704
receipt of, a retirement allowance or other benefit provided by 10705
this chapter. 10706

(F) "Year" means the year beginning the first day of July and 10707
ending with the thirtieth day of June next following, except that 10708
for the purpose of determining final average salary under the plan 10709
described in sections 3307.50 to 3307.79 of the Revised Code, 10710
"year" may mean the contract year. 10711

(G) "Local district pension system" means any school teachers 10712
pension fund created in any school district of the state in 10713
accordance with the laws of the state prior to September 1, 1920. 10714

(H) "Employer contribution" means the amount paid by an 10715
employer, as determined by the employer rate, including the normal 10716
and deficiency rates, contributions, and funds wherever used in 10717
this chapter. 10718

(I) "Five years of service credit" means employment covered 10719
under this chapter and employment covered under a former 10720
retirement plan operated, recognized, or endorsed by a college, 10721
institute, university, or political subdivision of this state 10722
prior to coverage under this chapter. 10723

(J) "Actuary" means an actuarial professional contracted with 10724
or employed by the state teachers retirement board, who shall be 10725
either of the following: 10726

(1) A member of the American academy of actuaries; 10727

(2) A firm, partnership, or corporation of which at least one 10728

person is a member of the American academy of actuaries. 10729

(K) "Fiduciary" means a person who does any of the following: 10730

(1) Exercises any discretionary authority or control with 10731
respect to the management of the system, or with respect to the 10732
management or disposition of its assets; 10733

(2) Renders investment advice for a fee, direct or indirect, 10734
with respect to money or property of the system; 10735

(3) Has any discretionary authority or responsibility in the 10736
administration of the system. 10737

(L)(1) Except as provided in this division, "compensation" 10738
means all salary, wages, and other earnings paid to a teacher by 10739
reason of the teacher's employment, including compensation paid 10740
pursuant to a supplemental contract. The salary, wages, and other 10741
earnings shall be determined prior to determination of the amount 10742
required to be contributed to the teachers' savings fund or 10743
defined contribution fund under section 3307.26 of the Revised 10744
Code and without regard to whether any of the salary, wages, or 10745
other earnings are treated as deferred income for federal income 10746
tax purposes. 10747

(2) Compensation does not include any of the following: 10748

(a) Payments for accrued but unused sick leave or personal 10749
leave, including payments made under a plan established pursuant 10750
to section 124.39 of the Revised Code or any other plan 10751
established by the employer; 10752

(b) Payments made for accrued but unused vacation leave, 10753
including payments made pursuant to section 124.13 of the Revised 10754
Code or a plan established by the employer; 10755

(c) Payments made for vacation pay covering concurrent 10756
periods for which other salary, compensation, or benefits under 10757
this chapter or Chapter 145. or 3309. of the Revised Code are 10758

paid;	10759
(d) Amounts paid by the employer to provide life insurance,	10760
sickness, accident, endowment, health, medical, hospital, dental,	10761
or surgical coverage, or other insurance for the teacher or the	10762
teacher's family, or amounts paid by the employer to the teacher	10763
in lieu of providing the insurance;	10764
(e) Incidental benefits, including lodging, food, laundry,	10765
parking, or services furnished by the employer, use of the	10766
employer's property or equipment, and reimbursement for	10767
job-related expenses authorized by the employer, including moving	10768
and travel expenses and expenses related to professional	10769
development;	10770
(f) Payments made by the employer in exchange for a member's	10771
waiver of a right to receive any payment, amount, or benefit	10772
described in division (L)(2) of this section;	10773
(g) Payments by the employer for services not actually	10774
rendered;	10775
(h) Any amount paid by the employer as a retroactive increase	10776
in salary, wages, or other earnings, unless the increase is one of	10777
the following:	10778
(i) A retroactive increase paid to a member employed by a	10779
school district board of education in a position that requires a	10780
license designated for teaching and not designated for being an	10781
administrator issued under section 3319.22 of the Revised Code	10782
that is paid in accordance with uniform criteria applicable to all	10783
members employed by the board in positions requiring the licenses;	10784
(ii) A retroactive increase paid to a member employed by a	10785
school district board of education in a position that requires a	10786
license designated for being an administrator issued under section	10787
3319.22 of the Revised Code that is paid in accordance with	10788
uniform criteria applicable to all members employed by the board	10789

in positions requiring the licenses; 10790

(iii) A retroactive increase paid to a member employed by a 10791
school district board of education as a superintendent that is 10792
also paid as described in division (L)(2)(h)(i) of this section; 10793

(iv) A retroactive increase paid to a member employed by an 10794
employer other than a school district board of education in 10795
accordance with uniform criteria applicable to all members 10796
employed by the employer. 10797

(i) Payments made to or on behalf of a teacher that are in 10798
excess of the annual compensation that may be taken into account 10799
by the retirement system under division (a)(17) of section 401 of 10800
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 10801
401(a)(17), as amended. For a teacher who first establishes 10802
membership before July 1, 1996, the annual compensation that may 10803
be taken into account by the retirement system shall be determined 10804
under division (d)(3) of section 13212 of the "Omnibus Budget 10805
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 10806

(j) Payments made under division (B), (C), or (E) of section 10807
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 10808
No. 3 of the 119th general assembly, Section 3 of Amended 10809
Substitute Senate Bill No. 164 of the 124th general assembly, or 10810
Amended Substitute House Bill No. 405 of the 124th general 10811
assembly; 10812

(k) Anything of value received by the teacher that is based 10813
on or attributable to retirement or an agreement to retire; 10814

(l) Any amount paid by the employer as a retroactive payment 10815
of earnings, damages, or back pay pursuant to a court order, 10816
court-adopted settlement agreement, or other settlement agreement, 10817
unless the retirement system receives both of the following: 10818

(i) Teacher and employer contributions under sections 3307.26 10819
and 3307.28 of the Revised Code, plus interest compounded annually 10820

at a rate determined by the board, for each year or portion of a 10821
year for which amounts are paid under the order or agreement; 10822

(ii) Teacher and employer contributions under sections 10823
3307.26 and 3307.28 of the Revised Code, plus interest compounded 10824
annually at a rate determined by the board, for each year or 10825
portion of a year not subject to division (L)(2)(1)(i) of this 10826
section for which the board determines the teacher was improperly 10827
paid, regardless of the teacher's ability to recover on such 10828
amounts improperly paid. 10829

(3) The retirement board shall determine both of the 10830
following: 10831

(a) Whether particular forms of earnings are included in any 10832
of the categories enumerated in this division; 10833

(b) Whether any form of earnings not enumerated in this 10834
division is to be included in compensation. 10835

Decisions of the board made under this division shall be 10836
final. 10837

(M) "Superannuate" means both of the following: 10838

(1) A former teacher receiving from the system a retirement 10839
allowance under section 3307.58 or 3307.59 of the Revised Code; 10840

(2) A former teacher receiving a benefit from the system 10841
under a plan established under section 3307.81 of the Revised 10842
Code, except that "superannuate" does not include a former teacher 10843
who is receiving a benefit based on disability under a plan 10844
established under section 3307.81 of the Revised Code. 10845

For purposes of sections 3307.35 and 3307.353 of the Revised 10846
Code, "superannuate" also means a former teacher receiving from 10847
the system a combined service retirement benefit paid in 10848
accordance with section 3307.57 of the Revised Code, regardless of 10849
which retirement system is paying the benefit. 10850

(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.

(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section.

Sec. 3313.351. The attorney general may educate school districts about contracting with any entity that provides students with account-based access to a web site or an online service, including electronic mail.

Sec. 3313.372. (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, a building, to reduce energy consumption. It includes:

(1) Insulation of the building structure and systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(3) Automatic energy control systems;

(4) Heating, ventilating, or air conditioning system modifications or replacements;

(5) Caulking and weatherstripping;

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Energy recovery systems;	10880
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	10881 10882 10883
(9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure.	10884 10885 10886
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:	10887 10888 10889 10890 10891 10892 10893
(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.	10894 10895
(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.	10896 10897
The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, be stated as a percentage of calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time. Those payments shall be made only to the extent that the savings described in this division actually occur. The contractor <u>energy services company</u> shall warrant and guarantee that the energy conservation measures shall realize guaranteed savings and shall be responsible to pay an amount equal to any savings shortfall.	10898 10899 10900 10901 10902 10903 10904 10905 10906 10907 10908 10909
An installment payment contract entered into by a board of	10910

education under this section shall require the board to contract 10911
in accordance with division (A) of section 3313.46 of the Revised 10912
Code for the installation, modification, or remodeling of energy 10913
conservation measures unless division (A) of section 3313.46 of 10914
the Revised Code does not apply pursuant to division (B)(3) of 10915
that section. 10916

(C) If a board of education determines that a surety bond is 10917
necessary to secure energy, water, or waste water cost savings 10918
guaranteed in a contract entered into by the board of education 10919
under this section, the energy services company shall provide a 10920
surety bond that satisfies all of the following requirements: 10921

(1) The penal sum of the surety bond for the first guarantee 10922
year shall equal the amount of savings included in the annual 10923
guaranteed savings amount that is measured and calculated in 10924
accordance with the measurement and verification plan included in 10925
the contract, but may not include guaranteed savings that are not 10926
measured or that are stipulated in the contract. The annual 10927
guaranteed savings amount shall include only the savings 10928
guaranteed in the contract for the one-year term that begins on 10929
the first day of the first savings guarantee year and may not 10930
include amounts from subsequent years. 10931

(2) The surety bond shall have a term of not more than one 10932
year unless renewed. At the option of the board of education, the 10933
surety bond may be renewed for one or two additional terms, each 10934
term not to exceed one year. The surety bond may not be renewed or 10935
extended so that it is in effect for more than three consecutive 10936
years. 10937

In the event of a renewal, the penal sum of the surety bond 10938
for each renewed year shall be revised so that the penal sum 10939
equals the annual guaranteed savings amount for such renewal year 10940
that is measured and calculated in accordance with the measurement 10941
and verification plan included in the contract, but may not 10942

include guaranteed savings that are not measured or that are 10943
stipulated in the contract. Regardless of the number of renewals 10944
of the bond, the aggregate liability under each renewed bond may 10945
not exceed the penal sum stated in the renewal certificate for the 10946
applicable renewal year. 10947

(3) The surety bond for the first year shall be issued within 10948
thirty days of the commencement of the first savings guarantee 10949
year under the contract. 10950

In the event of renewal, the surety shall deliver to the 10951
board of education a renewal certificate reflecting the revised 10952
penal sum within thirty days of the board of education's request. 10953
The board of education shall deliver the request for renewal not 10954
less than thirty days prior to the expiration date of the surety 10955
bond then in existence. A surety bond furnished pursuant to 10956
section 153.54 of the Revised Code shall not secure obligations 10957
related to energy, water, or waste water cost savings as 10958
referenced in division (C) of this section. 10959

(D) The board may issue the notes of the school district 10960
signed by the president and the treasurer of the board and 10961
specifying the terms of the purchase and securing the deferred 10962
payments provided in this section, payable at the times provided 10963
and bearing interest at a rate not exceeding the rate determined 10964
as provided in section 9.95 of the Revised Code. The notes may 10965
contain an option for prepayment and shall not be subject to 10966
Chapter 133. of the Revised Code. In the resolution authorizing 10967
the notes, the board may provide, without the vote of the electors 10968
of the district, for annually levying and collecting taxes in 10969
amounts sufficient to pay the interest on and retire the notes, 10970
except that the total net indebtedness of the district without a 10971
vote of the electors incurred under this and all other sections of 10972
the Revised Code, except section 3318.052 of the Revised Code, 10973
shall not exceed one per cent of the district's tax valuation. 10974

Revenues derived from local taxes or otherwise, for the purpose of 10975
conserving energy or for defraying the current operating expenses 10976
of the district, may be applied to the payment of interest and the 10977
retirement of such notes. The notes may be sold at private sale or 10978
given to the ~~contractor~~ energy services company under the 10979
installment payment contract authorized by division (B) of this 10980
section. 10981

~~(D)~~(E) Debt incurred under this section shall not be included 10982
in the calculation of the net indebtedness of a school district 10983
under section 133.06 of the Revised Code. 10984

~~(E)~~(F) No school district board shall enter into an 10985
installment payment contract under division (B) of this section 10986
unless it first obtains a report of the costs of the energy 10987
conservation measures and the savings thereof as described under 10988
division (G) of section 133.06 of the Revised Code as a 10989
requirement for issuing energy securities, makes a finding that 10990
the amount spent on such measures is not likely to exceed the 10991
amount of money it would save in energy costs and resultant 10992
operational and maintenance costs as described in that division, 10993
except that that finding shall cover the ensuing fifteen years, 10994
and the Ohio school facilities commission determines that the 10995
district board's findings are reasonable and approves the contract 10996
as described in that division. 10997

The district board shall monitor the savings and maintain a 10998
report of those savings, which shall be submitted to the 10999
commission in the same manner as required by division (G) of 11000
section 133.06 of the Revised Code in the case of energy 11001
securities. 11002

Sec. 3313.617. (A) A person who meets all of the following 11003
criteria shall be permitted to take the tests of general 11004
educational development: 11005

(1) The person is at least eighteen years of age. 11006

(2) The person is officially withdrawn from school. 11007

(3) The person has not received a high school diploma or 11008
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 11009
or 3325.08 of the Revised Code. 11010

(B) When a person who is at least sixteen years of age but 11011
less than ~~nineteen~~ eighteen years of age applies to the department 11012
of education to take the tests of general educational development, 11013
the person shall submit with the application written approval from 11014
the ~~superintendent of the school district in which the person was~~ 11015
~~last enrolled, or the superintendent's designee, except that if~~ 11016
~~the person was last enrolled in a community school established~~ 11017
~~under Chapter 3314. of the Revised Code or a science, technology,~~ 11018
~~engineering, and mathematics school established under Chapter~~ 11019
~~3326. of the Revised Code, the approval shall be from the~~ 11020
~~principal of the school, or the principal's designee. The~~ 11021
~~department may require the person also to submit written approval~~ 11022
~~from the person's parent or guardian or a court official, if the~~ 11023
~~person is younger than eighteen years of age.~~ 11024

~~(B)~~(C) For the purpose of calculating graduation rates for 11025
the school district and building report cards under section 11026
3302.03 of the Revised Code, the department shall count any person 11027
for whom approval is obtained from the ~~superintendent or~~ 11028
~~principal, or a designee,~~ person's parent or guardian or a court 11029
official under division ~~(A)~~(B) of this section as a dropout from 11030
the district or school in which the person was last enrolled prior 11031
to obtaining the approval. 11032

Sec. 3313.902. (A) As used in this section: 11033

(1) "Approved industry credential or certificate" means a 11034
credential or certificate that is approved by the chancellor of 11035

<u>the Ohio board of regents.</u>	11036
<u>(2) "Eligible institution" means any of the following:</u>	11037
<u>(a) A community college established under Chapter 3354. of</u>	11038
<u>the Revised Code;</u>	11039
<u>(b) A technical college established under Chapter 3357. of</u>	11040
<u>the Revised Code;</u>	11041
<u>(c) A state community college established under Chapter 3358.</u>	11042
<u>of the Revised Code;</u>	11043
<u>(d) An Ohio technical center recognized by the chancellor</u>	11044
<u>that provides post-secondary workforce education.</u>	11045
<u>(3) "Eligible student" means an individual who is at least</u>	11046
<u>twenty-two years of age and has not received a high school diploma</u>	11047
<u>or a certificate of high school equivalence, as defined in section</u>	11048
<u>4109.06 of the Revised Code.</u>	11049
<u>(B) The adult career opportunity pilot program is hereby</u>	11050
<u>established to permit an eligible institution to obtain approval</u>	11051
<u>from the state board of education and the chancellor to develop</u>	11052
<u>and offer a program of study that allows an eligible student to</u>	11053
<u>obtain a high school diploma. A program shall be eligible for this</u>	11054
<u>approval if it satisfies all of the following requirements:</u>	11055
<u>(1) The program allows an eligible student to complete the</u>	11056
<u>requirements for obtaining a high school diploma while completing</u>	11057
<u>requirements for an approved industry credential or certificate.</u>	11058
<u>(2) The program includes career advising and outreach.</u>	11059
<u>(3) The program includes opportunities for students to</u>	11060
<u>receive a competency-based education.</u>	11061
<u>(C) The superintendent of public instruction, in consultation</u>	11062
<u>with the chancellor, shall adopt rules for the implementation of</u>	11063
<u>the adult career opportunity pilot program, including the</u>	11064
<u>requirements for applying for program approval.</u>	11065

Sec. 3314.08. (A) As used in this section:	11066
(1)(a) "Category one career-technical education student"	11067
means a student who is receiving the career-technical education	11068
services described in division (A) of section 3317.014 of the	11069
Revised Code.	11070
(b) "Category two career-technical student" means a student	11071
who is receiving the career-technical education services described	11072
in division (B) of section 3317.014 of the Revised Code.	11073
(c) "Category three career-technical student" means a student	11074
who is receiving the career-technical education services described	11075
in division (C) of section 3317.014 of the Revised Code.	11076
(d) "Category four career-technical student" means a student	11077
who is receiving the career-technical education services described	11078
in division (D) of section 3317.014 of the Revised Code.	11079
(e) "Category five career-technical education student" means	11080
a student who is receiving the career-technical education services	11081
described in division (E) of section 3317.014 of the Revised Code.	11082
(2)(a) "Category one limited English proficient student"	11083
means a limited English proficient student described in division	11084
(A) of section 3317.016 of the Revised Code.	11085
(b) "Category two limited English proficient student" means a	11086
limited English proficient student described in division (B) of	11087
section 3317.016 of the Revised Code.	11088
(c) "Category three limited English proficient student" means	11089
a limited English proficient student described in division (C) of	11090
section 3317.016 of the Revised Code.	11091
(3)(a) "Category one special education student" means a	11092
student who is receiving special education services for a	11093
disability specified in division (A) of section 3317.013 of the	11094
Revised Code.	11095

(b) "Category two special education student" means a student	11096
who is receiving special education services for a disability	11097
specified in division (B) of section 3317.013 of the Revised Code.	11098
(c) "Category three special education student" means a	11099
student who is receiving special education services for a	11100
disability specified in division (C) of section 3317.013 of the	11101
Revised Code.	11102
(d) "Category four special education student" means a student	11103
who is receiving special education services for a disability	11104
specified in division (D) of section 3317.013 of the Revised Code.	11105
(e) "Category five special education student" means a student	11106
who is receiving special education services for a disability	11107
specified in division (E) of section 3317.013 of the Revised Code.	11108
(f) "Category six special education student" means a student	11109
who is receiving special education services for a disability	11110
specified in division (F) of section 3317.013 of the Revised Code.	11111
(4) "Formula amount" has the same meaning as in section	11112
3317.02 of the Revised Code.	11113
(5) "IEP" has the same meaning as in section 3323.01 of the	11114
Revised Code.	11115
(6) "Resident district" means the school district in which a	11116
student is entitled to attend school under section 3313.64 or	11117
3313.65 of the Revised Code.	11118
(7) "State education aid" has the same meaning as in section	11119
5751.20 of the Revised Code.	11120
(B) The state board of education shall adopt rules requiring	11121
both of the following:	11122
(1) The board of education of each city, exempted village,	11123
and local school district to annually report the number of	11124
students entitled to attend school in the district who are	11125

enrolled in each grade kindergarten through twelve in a community 11126
school established under this chapter, and for each child, the 11127
community school in which the child is enrolled. 11128

(2) The governing authority of each community school 11129
established under this chapter to annually report all of the 11130
following: 11131

(a) The number of students enrolled in grades one through 11132
twelve and the full-time equivalent number of students enrolled in 11133
kindergarten in the school who are not receiving special education 11134
and related services pursuant to an IEP; 11135

(b) The number of enrolled students in grades one through 11136
twelve and the full-time equivalent number of enrolled students in 11137
kindergarten, who are receiving special education and related 11138
services pursuant to an IEP; 11139

(c) The number of students reported under division (B)(2)(b) 11140
of this section receiving special education and related services 11141
pursuant to an IEP for a disability described in each of divisions 11142
(A) to (F) of section 3317.013 of the Revised Code; 11143

(d) The full-time equivalent number of students reported 11144
under divisions (B)(2)(a) and (b) of this section who are enrolled 11145
in career-technical education programs or classes described in 11146
each of divisions (A) to (E) of section 3317.014 of the Revised 11147
Code that are provided by the community school; 11148

(e) ~~Twenty per cent of the~~ The number of students reported 11149
under divisions (B)(2)(a) and (b) of this section who are not 11150
reported under division (B)(2)(d) of this section but who are 11151
enrolled in career-technical education programs or classes 11152
described in each of divisions (A) to (E) of section 3317.014 of 11153
the Revised Code at a joint vocational school district or another 11154
district in the career-technical planning district to which the 11155
school is assigned; 11156

(f) The number of students reported under divisions (B)(2)(a) 11157
and (b) of this section who are category one to three limited 11158
English proficient students described in each of divisions (A) to 11159
(C) of section 3317.016 of the Revised Code; 11160

(g) The number of students reported under divisions (B)(2)(a) 11161
and (b) who are economically disadvantaged, as defined by the 11162
department. A student shall not be categorically excluded from the 11163
number reported under division (B)(2)(g) of this section based on 11164
anything other than family income. 11165

(h) For each student, the city, exempted village, or local 11166
school district in which the student is entitled to attend school 11167
under section 3313.64 or 3313.65 of the Revised Code. 11168

A school district board and a community school governing 11169
authority shall include in their respective reports under division 11170
(B) of this section any child admitted in accordance with division 11171
(A)(2) of section 3321.01 of the Revised Code. 11172

A governing authority of a community school shall not include 11173
in its report under division (B)(2) of this section any student 11174
for whom tuition is charged under division (F) of this section. 11175

(C)(1) Except as provided in division (C)(2) of this section, 11176
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 11177
section, on a full-time equivalency basis, for each student 11178
enrolled in a community school established under this chapter, the 11179
department of education annually shall deduct from the state 11180
education aid of a student's resident district and, if necessary, 11181
from the payment made to the district under sections 321.24 and 11182
323.156 of the Revised Code and pay to the community school the 11183
sum of the following: 11184

(a) An opportunity grant in an amount equal to the formula 11185
amount; 11186

(b) The per pupil amount of targeted assistance funds 11187

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; 11188
11189
11190

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows: 11191
11192
11193

(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; 11194
11195
11196

(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; 11197
11198
11199

(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; 11200
11201
11202

(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; 11203
11204
11205

(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; 11206
11207
11208

(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. 11209
11210
11211

(d) If the student is in kindergarten through third grade, an additional amount of \$211, in fiscal year 2014, and \$290, in fiscal year 2015; 11212
11213
11214

(e) If the student is economically disadvantaged, an additional amount equal to the following: 11215
11216

(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X 11217

(the resident district's economically disadvantaged index)	11218
(f) Limited English proficiency funds as follows:	11219
(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;	11220 11221 11222
(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;	11223 11224 11225
(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.	11226 11227 11228
(g) Career-technical <u>If the student is reported under division (B)(2)(d) of this section, career-technical</u> education funds as follows:	11229 11230 11231
(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;	11232 11233 11234
(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;	11235 11236 11237
(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;	11238 11239 11240
(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;	11241 11242 11243
(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.	11244 11245 11246
Deduction and payment of funds under division (C)(1)(g) of	11247

this section is subject to approval by the lead district of a 11248
career-technical planning district or the department of education 11249
under section 3317.161 of the Revised Code. 11250

(2) When deducting from the state education aid of a 11251
student's resident district for students enrolled in an internet- 11252
or computer-based community school and making payments to such 11253
school under this section, the department shall make the 11254
deductions and payments described in only divisions (C)(1)(a), 11255
(c), and (g) of this section. 11256

No deductions or payments shall be made for a student 11257
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 11258
of this section. 11259

(3)(a) If a community school's costs for a fiscal year for a 11260
student receiving special education and related services pursuant 11261
to an IEP for a disability described in divisions (B) to (F) of 11262
section 3317.013 of the Revised Code exceed the threshold 11263
catastrophic cost for serving the student as specified in division 11264
(B) of section 3317.0214 of the Revised Code, the school may 11265
submit to the superintendent of public instruction documentation, 11266
as prescribed by the superintendent, of all its costs for that 11267
student. Upon submission of documentation for a student of the 11268
type and in the manner prescribed, the department shall pay to the 11269
community school an amount equal to the school's costs for the 11270
student in excess of the threshold catastrophic costs. 11271

(b) The community school shall report under division 11272
(C)(3)(a) of this section, and the department shall pay for, only 11273
the costs of educational expenses and the related services 11274
provided to the student in accordance with the student's 11275
individualized education program. Any legal fees, court costs, or 11276
other costs associated with any cause of action relating to the 11277
student may not be included in the amount. 11278

(4) In any fiscal year, a community school receiving funds 11279
under division (C)(1)(g) of this section shall spend those funds 11280
only for the purposes that the department designates as approved 11281
for career-technical education expenses. Career-technical 11282
~~educational~~ education expenses approved by the department shall 11283
include only expenses connected to the delivery of 11284
career-technical programming to career-technical students. The 11285
department shall require the school to report data annually so 11286
that the department may monitor the school's compliance with the 11287
requirements regarding the manner in which funding received under 11288
division (C)(1)(g) of this section may be spent. 11289

(5) All funds received under division (C)(1)(g) of this 11290
section shall be spent in the following manner: 11291

(a) At least seventy-five per cent of the funds shall be 11292
spent on curriculum development, purchase, and implementation; 11293
instructional resources and supplies; industry-based program 11294
certification; student assessment, credentialing, and placement; 11295
curriculum specific equipment purchases and leases; 11296
career-technical student organization fees and expenses; home and 11297
agency linkages; work-based learning experiences; professional 11298
development; and other costs directly associated with 11299
career-technical education programs including development of new 11300
programs. 11301

(b) Not more than twenty-five per cent of the funds shall be 11302
used for personnel expenditures. 11303

(6) A community school shall spend the funds it receives 11304
under division (C)(1)(e) of this section in accordance with 11305
section 3317.25 of the Revised Code. 11306

(7) If the sum of the payments computed under ~~division~~ 11307
divisions (C)(1) and (8)(a) of this section for the students 11308
entitled to attend school in a particular school district under 11309

sections 3313.64 and 3313.65 of the Revised Code exceeds the sum 11310
of that district's state education aid and its payment under 11311
sections 321.24 and 323.156 of the Revised Code, the department 11312
shall calculate and apply a proration factor to the payments to 11313
all community schools under that division for the students 11314
entitled to attend school in that district. 11315

(8)(a) Subject to division (C)(7) of this section, the 11316
department annually shall pay to each community school, including 11317
each internet- or computer-based community school, an amount equal 11318
to the following: 11319

(The number of students reported by the community school 11320
under division (B)(2)(e) of this section X the formula amount X 11321
.20) 11322

(b) For each payment made to a community school under 11323
division (C)(8)(a) of this section, the department shall deduct 11324
from the state education aid of each city, local, and exempted 11325
village school district and, if necessary, from the payment made 11326
to the district under sections 321.24 and 323.156 of the Revised 11327
Code an amount equal to the following: 11328

(The number of the district's students reported by the 11329
community school under division (B)(2)(e) of this section X the 11330
formula amount X .20) 11331

(D) A board of education sponsoring a community school may 11332
utilize local funds to make enhancement grants to the school or 11333
may agree, either as part of the contract or separately, to 11334
provide any specific services to the community school at no cost 11335
to the school. 11336

(E) A community school may not levy taxes or issue bonds 11337
secured by tax revenues. 11338

(F) No community school shall charge tuition for the 11339
enrollment of any student who is a resident of this state. A 11340

community school may charge tuition for the enrollment of any 11341
student who is not a resident of this state. 11342

(G)(1)(a) A community school may borrow money to pay any 11343
necessary and actual expenses of the school in anticipation of the 11344
receipt of any portion of the payments to be received by the 11345
school pursuant to division (C) of this section. The school may 11346
issue notes to evidence such borrowing. The proceeds of the notes 11347
shall be used only for the purposes for which the anticipated 11348
receipts may be lawfully expended by the school. 11349

(b) A school may also borrow money for a term not to exceed 11350
fifteen years for the purpose of acquiring facilities. 11351

(2) Except for any amount guaranteed under section 3318.50 of 11352
the Revised Code, the state is not liable for debt incurred by the 11353
governing authority of a community school. 11354

(H) The department of education shall adjust the amounts 11355
subtracted and paid under division (C) of this section to reflect 11356
any enrollment of students in community schools for less than the 11357
equivalent of a full school year. The state board of education 11358
within ninety days after April 8, 2003, shall adopt in accordance 11359
with Chapter 119. of the Revised Code rules governing the payments 11360
to community schools under this section including initial payments 11361
in a school year and adjustments and reductions made in subsequent 11362
periodic payments to community schools and corresponding 11363
deductions from school district accounts as provided under 11364
division (C) of this section. For purposes of this section: 11365

(1) A student shall be considered enrolled in the community 11366
school for any portion of the school year the student is 11367
participating at a college under Chapter 3365. of the Revised 11368
Code. 11369

(2) A student shall be considered to be enrolled in a 11370
community school for the period of time beginning on the later of 11371

the date on which the school both has received documentation of 11372
the student's enrollment from a parent and the student has 11373
commenced participation in learning opportunities as defined in 11374
the contract with the sponsor, or thirty days prior to the date on 11375
which the student is entered into the education management 11376
information system established under section 3301.0714 of the 11377
Revised Code. For purposes of applying this division and divisions 11378
(H)(3) and (4) of this section to a community school student, 11379
"learning opportunities" shall be defined in the contract, which 11380
shall describe both classroom-based and non-classroom-based 11381
learning opportunities and shall be in compliance with criteria 11382
and documentation requirements for student participation which 11383
shall be established by the department. Any student's instruction 11384
time in non-classroom-based learning opportunities shall be 11385
certified by an employee of the community school. A student's 11386
enrollment shall be considered to cease on the date on which any 11387
of the following occur: 11388

(a) The community school receives documentation from a parent 11389
terminating enrollment of the student. 11390

(b) The community school is provided documentation of a 11391
student's enrollment in another public or private school. 11392

(c) The community school ceases to offer learning 11393
opportunities to the student pursuant to the terms of the contract 11394
with the sponsor or the operation of any provision of this 11395
chapter. 11396

Except as otherwise specified in this paragraph, beginning in 11397
the 2011-2012 school year, any student who completed the prior 11398
school year in an internet- or computer-based community school 11399
shall be considered to be enrolled in the same school in the 11400
subsequent school year until the student's enrollment has ceased 11401
as specified in division (H)(2) of this section. The department 11402
shall continue subtracting and paying amounts for the student 11403

under division (C) of this section without interruption at the 11404
start of the subsequent school year. However, if the student 11405
without a legitimate excuse fails to participate in the first one 11406
hundred five consecutive hours of learning opportunities offered 11407
to the student in that subsequent school year, the student shall 11408
be considered not to have re-enrolled in the school for that 11409
school year and the department shall recalculate the payments to 11410
the school for that school year to account for the fact that the 11411
student is not enrolled. 11412

(3) The department shall determine each community school 11413
student's percentage of full-time equivalency based on the 11414
percentage of learning opportunities offered by the community 11415
school to that student, reported either as number of hours or 11416
number of days, is of the total learning opportunities offered by 11417
the community school to a student who attends for the school's 11418
entire school year. However, no internet- or computer-based 11419
community school shall be credited for any time a student spends 11420
participating in learning opportunities beyond ten hours within 11421
any period of twenty-four consecutive hours. Whether it reports 11422
hours or days of learning opportunities, each community school 11423
shall offer not less than nine hundred twenty hours of learning 11424
opportunities during the school year. 11425

(4) With respect to the calculation of full-time equivalency 11426
under division (H)(3) of this section, the department shall waive 11427
the number of hours or days of learning opportunities not offered 11428
to a student because the community school was closed during the 11429
school year due to disease epidemic, hazardous weather conditions, 11430
law enforcement emergencies, inoperability of school buses or 11431
other equipment necessary to the school's operation, damage to a 11432
school building, or other temporary circumstances due to utility 11433
failure rendering the school building unfit for school use, so 11434
long as the school was actually open for instruction with students 11435

in attendance during that school year for not less than the 11436
minimum number of hours required by this chapter. The department 11437
shall treat the school as if it were open for instruction with 11438
students in attendance during the hours or days waived under this 11439
division. 11440

(I) The department of education shall reduce the amounts paid 11441
under this section to reflect payments made to colleges under 11442
division (B) of section 3365.07 of the Revised Code or through 11443
alternative funding agreements entered into under rules adopted 11444
under section 3365.12 of the Revised Code. 11445

(J)(1) No student shall be considered enrolled in any 11446
internet- or computer-based community school or, if applicable to 11447
the student, in any community school that is required to provide 11448
the student with a computer pursuant to division (C) of section 11449
3314.22 of the Revised Code, unless both of the following 11450
conditions are satisfied: 11451

(a) The student possesses or has been provided with all 11452
required hardware and software materials and all such materials 11453
are operational so that the student is capable of fully 11454
participating in the learning opportunities specified in the 11455
contract between the school and the school's sponsor as required 11456
by division (A)(23) of section 3314.03 of the Revised Code; 11457

(b) The school is in compliance with division (A) of section 11458
3314.22 of the Revised Code, relative to such student. 11459

(2) In accordance with policies adopted jointly by the 11460
superintendent of public instruction and the auditor of state, the 11461
department shall reduce the amounts otherwise payable under 11462
division (C) of this section to any community school that includes 11463
in its program the provision of computer hardware and software 11464
materials to any student, if such hardware and software materials 11465
have not been delivered, installed, and activated for each such 11466

student in a timely manner or other educational materials or 11467
services have not been provided according to the contract between 11468
the individual community school and its sponsor. 11469

The superintendent of public instruction and the auditor of 11470
state shall jointly establish a method for auditing any community 11471
school to which this division pertains to ensure compliance with 11472
this section. 11473

The superintendent, auditor of state, and the governor shall 11474
jointly make recommendations to the general assembly for 11475
legislative changes that may be required to assure fiscal and 11476
academic accountability for such schools. 11477

(K)(1) If the department determines that a review of a 11478
community school's enrollment is necessary, such review shall be 11479
completed and written notice of the findings shall be provided to 11480
the governing authority of the community school and its sponsor 11481
within ninety days of the end of the community school's fiscal 11482
year, unless extended for a period not to exceed thirty additional 11483
days for one of the following reasons: 11484

(a) The department and the community school mutually agree to 11485
the extension. 11486

(b) Delays in data submission caused by either a community 11487
school or its sponsor. 11488

(2) If the review results in a finding that additional 11489
funding is owed to the school, such payment shall be made within 11490
thirty days of the written notice. If the review results in a 11491
finding that the community school owes moneys to the state, the 11492
following procedure shall apply: 11493

(a) Within ten business days of the receipt of the notice of 11494
findings, the community school may appeal the department's 11495
determination to the state board of education or its designee. 11496

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of

education. 11528

(4) Any student who has attained the age of twenty-two years, 11529
except for veterans of the armed services whose attendance was 11530
interrupted before completing the recognized twelve-year course of 11531
the public schools by reason of induction or enlistment in the 11532
armed forces and who apply for enrollment in a community school 11533
not later than four years after termination of war or their 11534
honorable discharge. If, however, any such veteran elects to 11535
enroll in special courses organized for veterans for whom tuition 11536
is paid under federal law, or otherwise, the department shall not 11537
subtract from a school district's state aid account and shall not 11538
pay to a community school under division (C) of this section any 11539
amount for that veteran. 11540

Sec. 3314.38. (A) An individual who is at least twenty-two 11541
years of age and who is an eligible individual as defined in 11542
section 3317.23 of the Revised Code may enroll for up to two 11543
cumulative school years in a dropout prevention and recovery 11544
program operated by a community school that is designed to allow 11545
enrollees to earn a high school diploma. An individual enrolled 11546
under this division may elect to satisfy the requirements to earn 11547
a high school diploma by successfully completing a 11548
competency-based instructional program that complies with the 11549
standards adopted by the state board of education under section 11550
3317.231 of the Revised Code. The community school shall report 11551
that individual's enrollment on a full-time equivalency basis to 11552
the department of education. This report shall be in addition to 11553
the report required under division (B) of section 3314.08 of the 11554
Revised Code. An individual enrolled under this division shall not 11555
be assigned to classes or settings with students who are younger 11556
than eighteen years of age. 11557

(B)(1) For each community school that enrolls individuals 11558

under division (A) of this section, the department of education 11559
annually shall certify the enrollment and attendance, on a 11560
full-time equivalency basis, of each individual reported by the 11561
school under that division. 11562

(2) For each individual enrolled in a community school under 11563
division (A) of this section, the department annually shall pay to 11564
the community school an amount equal to the following: 11565

\$5,000 X the individual's enrollment on a full-time equivalency 11566
basis as certified under division (B)(1) of this section X the 11567
portion of the school year in which the individual is enrolled in 11568
the school expressed as a percentage 11569

(C) A community school that enrolls individuals under 11570
division (A) of this section shall be subject to the program 11571
administration standards adopted by the state board under section 11572
3317.231 of the Revised Code, as applicable. 11573

Sec. 3317.01. As used in this section, "school district," 11574
unless otherwise specified, means any city, local, exempted 11575
village, joint vocational, or cooperative education school 11576
district and any educational service center. 11577

This chapter shall be administered by the state board of 11578
education. The superintendent of public instruction shall 11579
calculate the amounts payable to each school district and shall 11580
certify the amounts payable to each eligible district to the 11581
treasurer of the district as provided by this chapter. As soon as 11582
possible after such amounts are calculated, the superintendent 11583
shall certify to the treasurer of each school district the 11584
district's adjusted charge-off increase, as defined in section 11585
5705.211 of the Revised Code. Certification of moneys pursuant to 11586
this section shall include the amounts payable to each school 11587
building, at a frequency determined by the superintendent, for 11588
each subgroup of students, as defined in section 3317.40 of the 11589

Revised Code, receiving services, provided for by state funding, 11590
from the district or school. No moneys shall be distributed 11591
pursuant to this chapter without the approval of the controlling 11592
board. 11593

The state board of education shall, in accordance with 11594
appropriations made by the general assembly, meet the financial 11595
obligations of this chapter. 11596

Moneys distributed to school districts pursuant to this 11597
chapter shall be calculated based on the annual enrollment 11598
calculated from the three reports required under ~~section~~ sections 11599
3317.03 and 3317.036 of the Revised Code and paid on a fiscal year 11600
basis, beginning with the first day of July and extending through 11601
the thirtieth day of June. The moneys appropriated for each fiscal 11602
year shall be distributed periodically to each school district 11603
unless otherwise provided for. The state board, in June of each 11604
year, shall submit to the controlling board the state board's 11605
year-end distributions pursuant to this chapter. 11606

Except as otherwise provided, payments under this chapter 11607
shall be made only to those school districts in which: 11608

(A) The school district, except for any educational service 11609
center and any joint vocational or cooperative education school 11610
district, levies for current operating expenses at least twenty 11611
mills. Levies for joint vocational or cooperative education school 11612
districts or county school financing districts, limited to or to 11613
the extent apportioned to current expenses, shall be included in 11614
this qualification requirement. School district income tax levies 11615
under Chapter 5748. of the Revised Code, limited to or to the 11616
extent apportioned to current operating expenses, shall be 11617
included in this qualification requirement to the extent 11618
determined by the tax commissioner under division (D) of section 11619
3317.021 of the Revised Code. 11620

(B) The school year next preceding the fiscal year for which 11621
such payments are authorized meets the requirement of section 11622
3313.48 of the Revised Code, with regard to the minimum number of 11623
hours school must be open for instruction with pupils in 11624
attendance, for individualized parent-teacher conference and 11625
reporting periods, and for professional meetings of teachers. 11626

A school district shall not be considered to have failed to 11627
comply with this division because schools were open for 11628
instruction but either twelfth grade students were excused from 11629
attendance for up to the equivalent of three school days or only a 11630
portion of the kindergarten students were in attendance for up to 11631
the equivalent of three school days in order to allow for the 11632
gradual orientation to school of such students. 11633

A board of education or governing board of an educational 11634
service center which has not conformed with other law and the 11635
rules pursuant thereto, shall not participate in the distribution 11636
of funds authorized by this chapter, except for good and 11637
sufficient reason established to the satisfaction of the state 11638
board of education and the state controlling board. 11639

All funds allocated to school districts under this chapter, 11640
except those specifically allocated for other purposes, shall be 11641
used to pay current operating expenses only. 11642

Sec. 3317.02. As used in this chapter: 11643

(A)(1) "Category one career-technical education ADM" means 11644
the enrollment of students during the school year on a full-time 11645
equivalency basis in career-technical education programs described 11646
in division (A) of section 3317.014 of the Revised Code and 11647
certified under division (B)(11) or (D)(2)(h) of section 3317.03 11648
of the Revised Code. 11649

(2) "Category two career-technical education ADM" means the 11650

enrollment of students during the school year on a full-time 11651
equivalency basis in career-technical education programs described 11652
in division (B) of section 3317.014 of the Revised Code and 11653
certified under division (B)(12) or (D)(2)(i) of section 3317.03 11654
of the Revised Code. 11655

(3) "Category three career-technical education ADM" means the 11656
enrollment of students during the school year on a full-time 11657
equivalency basis in career-technical education programs described 11658
in division (C) of section 3317.014 of the Revised Code and 11659
certified under division (B)(13) or (D)(2)(j) of section 3317.03 11660
of the Revised Code. 11661

(4) "Category four career-technical education ADM" means the 11662
enrollment of students during the school year on a full-time 11663
equivalency basis in career-technical education programs described 11664
in division (D) of section 3317.014 of the Revised Code and 11665
certified under division (B)(14) or (D)(2)(k) of section 3317.03 11666
of the Revised Code. 11667

(5) "Category five career-technical education ADM" means the 11668
enrollment of students during the school year on a full-time 11669
equivalency basis in career-technical education programs described 11670
in division (E) of section 3317.014 of the Revised Code and 11671
certified under division (B)(15) or (D)(2)(l) of section 3317.03 11672
of the Revised Code. 11673

(B)(1) "Category one limited English proficient ADM" means 11674
the full-time equivalent number of limited English proficient 11675
students described in division (A) of section 3317.016 of the 11676
Revised Code and certified under division (B)(16) or (D)(2)(m) of 11677
section 3317.03 of the Revised Code. 11678

(2) "Category two limited English proficient ADM" means the 11679
full-time equivalent number of limited English proficient students 11680
described in division (B) of section 3317.016 of the Revised Code 11681

and certified under division (B)(17) or (D)(2)(n) of section 11682
3317.03 of the Revised Code. 11683

(3) "Category three limited English proficient ADM" means the 11684
full-time equivalent number of limited English proficient students 11685
described in division (C) of section 3317.016 of the Revised Code 11686
and certified under division (B)(18) or (D)(2)(o) of section 11687
3317.03 of the Revised Code. 11688

(C)(1) "Category one special education ADM" means the 11689
full-time equivalent number of children with disabilities 11690
receiving special education services for the disability specified 11691
in division (A) of section 3317.013 of the Revised Code and 11692
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 11693
the Revised Code. 11694

(2) "Category two special education ADM" means the full-time 11695
equivalent number of children with disabilities receiving special 11696
education services for those disabilities specified in division 11697
(B) of section 3317.013 of the Revised Code and certified under 11698
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 11699
Code. 11700

(3) "Category three special education ADM" means the 11701
full-time equivalent number of students receiving special 11702
education services for those disabilities specified in division 11703
(C) of section 3317.013 of the Revised Code, and certified under 11704
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 11705
Code. 11706

(4) "Category four special education ADM" means the full-time 11707
equivalent number of students receiving special education services 11708
for those disabilities specified in division (D) of section 11709
3317.013 of the Revised Code and certified under division (B)(8) 11710
or (D)(2)(e) of section 3317.03 of the Revised Code. 11711

(5) "Category five special education ADM" means the full-time 11712

equivalent number of students receiving special education services 11713
for the disabilities specified in division (E) of section 3317.013 11714
of the Revised Code and certified under division (B)(9) or 11715
(D)(2)(f) of section 3317.03 of the Revised Code. 11716

(6) "Category six special education ADM" means the full-time 11717
equivalent number of students receiving special education services 11718
for the disabilities specified in division (F) of section 3317.013 11719
of the Revised Code and certified under division (B)(10) or 11720
(D)(2)(g) of section 3317.03 of the Revised Code. 11721

(D) "County DD board" means a county board of developmental 11722
disabilities. 11723

(E) "Economically disadvantaged index for a school district" 11724
means the square of the quotient of that district's percentage of 11725
students in its total ADM who are identified as economically 11726
disadvantaged as defined by the department of education, divided 11727
by the statewide percentage of students identified as economically 11728
disadvantaged. 11729

(F)(1) "Formula ADM" means, for a city, local, or exempted 11730
village school district, the enrollment reported under division 11731
(A) of section 3317.03 of the Revised Code, as verified by the 11732
superintendent of public instruction and adjusted if so ordered 11733
under division (K) of that section, and as further adjusted by 11734
~~counting~~ the department of education, as follows: 11735

(a) Count only twenty per cent of the number of joint 11736
vocational school district students counted under division (A)(3) 11737
of section 3317.03 of the Revised Code; 11738

(b) Add twenty per cent of the number of students who are 11739
entitled to attend school in the district under section 3313.64 or 11740
3313.65 of the Revised Code and are enrolled in another school 11741
district under a career-technical education compact. 11742

(2) "Formula ADM" means, for a joint vocational school 11743

district, the final number verified by the superintendent of 11744
public instruction, based on the enrollment reported and certified 11745
under division (D) of section 3317.03 of the Revised Code, as 11746
adjusted, if so ordered, under division (K) of that section. 11747

(G) "Formula amount" means \$5,745, for fiscal year 2014, and 11748
\$5,800, for fiscal year 2015. 11749

(H) "FTE basis" means a count of students based on full-time 11750
equivalency, in accordance with rules adopted by the department of 11751
education pursuant to section 3317.03 of the Revised Code. In 11752
adopting its rules under this division, the department shall 11753
provide for counting any student in category one, two, three, 11754
four, five, or six special education ADM or in category one, two, 11755
three, four, or five career technical education ADM in the same 11756
proportion the student is counted in formula ADM. 11757

(I) "Internet- or computer-based community school" has the 11758
same meaning as in section 3314.02 of the Revised Code. 11759

(J) "Medically fragile child" means a child to whom all of 11760
the following apply: 11761

(1) The child requires the services of a doctor of medicine 11762
or osteopathic medicine at least once a week due to the 11763
instability of the child's medical condition. 11764

(2) The child requires the services of a registered nurse on 11765
a daily basis. 11766

(3) The child is at risk of institutionalization in a 11767
hospital, skilled nursing facility, or intermediate care facility 11768
for individuals with intellectual disabilities. 11769

(K)(1) A child may be identified as having an "other health 11770
impairment-major" if the child's condition meets the definition of 11771
"other health impaired" established in rules previously adopted by 11772
the state board of education and if either of the following apply: 11773

(a) The child is identified as having a medical condition 11774
that is among those listed by the superintendent of public 11775
instruction as conditions where a substantial majority of cases 11776
fall within the definition of "medically fragile child." 11777

(b) The child is determined by the superintendent of public 11778
instruction to be a medically fragile child. A school district 11779
superintendent may petition the superintendent of public 11780
instruction for a determination that a child is a medically 11781
fragile child. 11782

(2) A child may be identified as having an "other health 11783
impairment-minor" if the child's condition meets the definition of 11784
"other health impaired" established in rules previously adopted by 11785
the state board of education but the child's condition does not 11786
meet either of the conditions specified in division (K)(1)(a) or 11787
(b) of this section. 11788

(L) "Preschool child with a disability" means a child with a 11789
disability, as defined in section 3323.01 of the Revised Code, who 11790
is at least age three but is not of compulsory school age, as 11791
defined in section 3321.01 of the Revised Code, and who is not 11792
currently enrolled in kindergarten. 11793

(M) "Preschool scholarship ADM" means the number of preschool 11794
children with disabilities certified under division (B)(3)(h) of 11795
section 3317.03 of the Revised Code. 11796

(N) "Related services" includes: 11797

(1) Child study, special education supervisors and 11798
coordinators, speech and hearing services, adaptive physical 11799
development services, occupational or physical therapy, teacher 11800
assistants for children with disabilities whose disabilities are 11801
described in division (B) of section 3317.013 or division (B)(3) 11802
of this section, behavioral intervention, interpreter services, 11803
work study, nursing services, and specialized integrative services 11804

as those terms are defined by the department; 11805

(2) Speech and language services provided to any student with 11806
a disability, including any student whose primary or only 11807
disability is a speech and language disability; 11808

(3) Any related service not specifically covered by other 11809
state funds but specified in federal law, including but not 11810
limited to, audiology and school psychological services; 11811

(4) Any service included in units funded under former 11812
division (O)(1) of section 3317.024 of the Revised Code; 11813

(5) Any other related service needed by children with 11814
disabilities in accordance with their individualized education 11815
programs. 11816

(O) "School district," unless otherwise specified, means 11817
city, local, and exempted village school districts. 11818

(P) "State education aid" has the same meaning as in section 11819
5751.20 of the Revised Code. 11820

(Q) "State share index" means the state share index 11821
calculated for a district under section 3317.017 of the Revised 11822
Code. 11823

(R) "Taxes charged and payable" means the taxes charged and 11824
payable against real and public utility property after making the 11825
reduction required by section 319.301 of the Revised Code, plus 11826
the taxes levied against tangible personal property. 11827

(S) "Total ADM" means, for a city, local, or exempted village 11828
school district, the enrollment reported under division (A) of 11829
section 3317.03 of the Revised Code, as verified by the 11830
superintendent of public instruction and adjusted if so ordered 11831
under division (K) of that section. 11832

(T) "Total special education ADM" means the sum of categories 11833
one through six special education ADM. 11834

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

Sec. 3317.0217. Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) The department of education shall annually compute targeted assistance funds to school districts, as follows:

(1) Calculate the local wealth per pupil of each school district, which equals the following sum:

(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its formula ADM; plus

(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (ii) its formula ADM.

(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.

(3) Compute the statewide wealth per pupil, which equals the following sum:

(a) One-half times the quotient of (i) the sum of the 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. 11865
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(5) Compute the per pupil targeted assistance for each eligible school district in accordance with the following formula: 11868
11869
(Threshold local wealth per pupil - the district's local wealth per pupil) 11870
11871
X target millage X the district's wealth index 11872

Where: 11873

(a) An "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the 490th lowest local wealth per pupil. 11874
11875
11876

(b) "Threshold local wealth per pupil" means the local wealth per pupil of the school district with the 490th lowest local wealth per pupil. 11877
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(c) "Target millage" means 0.006. 11880

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's targeted assistance shall be zero. 11881
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11883

(6) Calculate the aggregate amount to be paid as targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the per pupil targeted assistance computed under division (A)(5) of this section by the district's net formula ADM. 11884
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As used in this division, a district's "net formula ADM" means its formula ADM minus the number of community school students certified under division (B)(3)(d) of section 3317.03 of the Revised Code X 0.75, the number of internet- and computer-based community school students certified under division (B)(3)(e) of that section, the number of science, technology, 11889
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engineering, and mathematics school students certified under 11895
division (B)(3)(j) of that section X 0.75, and the number of 11896
scholarship students certified under divisions (B)(3)(f), (g), and 11897
(l) of that section. 11898

(B) The department shall annually compute supplemental 11899
targeted assistance funds to school districts, as follows: 11900

(1) Compute each district's agricultural percentage as the 11901
quotient of (a) the three-year average tax valuation of real 11902
property in the district that is classified as agricultural 11903
property divided by (b) the three-year average tax valuation of 11904
all of the real property in the district. For purposes of this 11905
computation, a district's "three-year average tax valuation" means 11906
the average of a district's tax valuation for fiscal years 2012, 11907
2013, and 2014. 11908

(2) Determine each district's agricultural targeted 11909
percentage as follows: 11910

(a) If a district's agricultural percentage is greater than 11911
or equal to 0.10, then the district's agricultural targeted 11912
percentage shall be equal to 0.40. 11913

(b) If a district's agricultural percentage is less than 11914
0.10, then the district's agricultural targeted percentage shall 11915
be equal to 4 X the district's agricultural percentage. 11916

(3) Calculate the aggregate amount to be paid as supplemental 11917
targeted assistance funds to each school district under division 11918
(A) of section 3317.022 of the Revised Code by multiplying the 11919
district's agricultural targeted percentage by the amount 11920
calculated for the district under division (A)(6) of this section. 11921

Sec. 3317.036. (A) The superintendent of each city, local, 11922
and exempted village school district shall report to the state 11923
board of education as of the last day of October, March, and June 11924

of each year the enrollment under section 3317.23 of the Revised Code, on a full-time equivalency basis, of individuals who are at least twenty-two years of age. This report shall be in addition to the district's report of the enrollment of students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code that is required under section 3317.03 of the Revised Code. 11925
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(B) The superintendent of each joint vocational school district shall report and certify to the superintendent of public instruction as of the last day of October, March, and June of each year the enrollment of individuals receiving services from the district on a full-time equivalency basis under section 3317.24 of the Revised Code. This report shall be in addition to the district's report of the enrollment of students that is required under section 3317.03 of the Revised Code. 11932
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Sec. 3317.23. (A) For purposes of this section, an "eligible individual" is an individual who satisfies both of the following criteria: 11940
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(1) The individual is at least twenty-two years of age. 11943

(2) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code. 11944
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(B) An eligible individual may enroll in a city, local, or exempted village school district that operates a dropout prevention and recovery program for up to two cumulative school years for the purpose of earning a high school diploma. An individual enrolled under this division may elect to satisfy the requirements to earn a high school diploma by successfully completing a competency-based instructional program that complies with the standards adopted by the state board of education under section 3317.231 of the Revised Code. The district shall report 11947
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that individual's enrollment on a full-time equivalency basis 11956
under division (A) of section 3317.036 of the Revised Code and 11957
shall not report that individual's enrollment under section 11958
3317.03 of the Revised Code. An individual enrolled under this 11959
division shall not be assigned to classes or settings with 11960
students who are younger than eighteen years of age. 11961

(C)(1) For each district that enrolls individuals under 11962
division (B) of this section, the department of education annually 11963
shall certify the enrollment and attendance, on a full-time 11964
equivalency basis, of each individual reported by the district 11965
under division (A) of section 3317.036 of the Revised Code. 11966

(2) For each individual enrolled in a district under division 11967
(B) of this section, the department annually shall pay to the 11968
district an amount equal to the following: 11969

\$5,000 X the individual's enrollment on a full-time equivalency 11970
basis as certified under division (C)(1) of this section X the 11971
portion of the school year in which the individual is enrolled in 11972
the district expressed as a percentage 11973

(D) A district that enrolls individuals under division (B) of 11974
this section shall be subject to the program administration 11975
standards adopted by the state board under section 3317.231 of the 11976
Revised Code, as applicable. 11977

Sec. 3317.231. Not later than December 31, 2014, the state 11978
board of education shall adopt rules regarding the administration 11979
of programs that enroll individuals who are at least twenty-two 11980
years of age under sections 3314.38, 3317.23, 3317.24, and 3345.86 11981
of the Revised Code, including data collection, the reporting and 11982
certification of enrollment in the programs, the measurement of 11983
the academic performance of individuals enrolled in the programs, 11984
and the standards for competency-based instructional programs. 11985

Sec. 3317.24. (A) For purposes of this section, an "eligible individual" has the same meaning as in section 3317.23 of the Revised Code. 11986
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(B) An eligible individual may enroll in a joint vocational school district that operates an adult education program for up to two cumulative school years for the purpose of completing the requirements to earn a high school diploma. An individual enrolled under this division may elect to satisfy these requirements by successfully completing a competency-based instructional program that complies with the standards adopted by the state board of education under section 3317.231 of the Revised Code. The district shall report an individual's enrollment under this division on a full-time equivalency basis under division (B) of section 3317.036 of the Revised Code and shall not report that individual's enrollment under section 3317.03 of the Revised Code. An individual enrolled under this division shall not be assigned to classes or settings with students who are younger than eighteen years of age. 11989
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(C)(1) For each joint vocational school district that enrolls individuals under division (B) of this section, the department of education annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the district under division (B) of section 3317.036 of the Revised Code. 12004
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(2) For each individual enrolled in a joint vocational school district under division (B) of this section, the department annually shall pay to the district an amount equal to the following: 12010
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\$5,000 X the individual's enrollment on a full-time equivalency basis as certified under division (C)(1) of this section X the portion of the school year in which the individual is enrolled in 12014
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the district expressed as a percentage 12017

(D) If an individual enrolled in a joint vocational school district under division (B) of this section completes the requirements to earn a high school diploma, the joint vocational school district shall certify the completion of those requirements to the city, local, or exempted village school district in which the individual resides. Upon receiving certification under this division, the city, local, or exempted village school district in which the individual resides shall issue a high school diploma to the individual. 12018
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(E) A joint vocational school district that enrolls individuals under division (B) of this section shall be subject to the program administration standards adopted by the state board under section 3317.231 of the Revised Code, as applicable. 12027
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Sec. 3318.36. (A)(1) As used in this section: 12031

(a) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code. 12032
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(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)]. 12037
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(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. 12043
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(d) "Tangible personal property phase-out impacted district" 12047
means a school district for which the taxable value of its 12048
tangible personal property certified under division (A)(2) of 12049
section 3317.021 of the Revised Code for tax year 2005, excluding 12050
the taxable value of public utility personal property, made up 12051
eighteen per cent or more of its total taxable value for tax year 12052
2005 as certified under that section. 12053

(2) For purposes of determining the required level of 12054
indebtedness, the required percentage of the basic project costs 12055
under division (C)(1) of this section, and priority for assistance 12056
under sections 3318.01 to 3318.20 of the Revised Code, the 12057
percentile ranking of a school district with which the commission 12058
has entered into an agreement under this section between the first 12059
day of July and the thirty-first day of August in each fiscal year 12060
is the percentile ranking calculated for that district for the 12061
immediately preceding fiscal year, and the percentile ranking of a 12062
school district with which the commission has entered into such 12063
agreement between the first day of September and the thirtieth day 12064
of June in each fiscal year is the percentile ranking calculated 12065
for that district for the current fiscal year. However, in the 12066
case of a tangible personal property phase-out impacted district, 12067
the district's priority for assistance under sections 3318.01 to 12068
3318.20 of the Revised Code and its portion of the basic project 12069
cost under those sections shall be determined in the manner 12070
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 12071
this section. 12072

(B)(1) There is hereby established the school building 12073
assistance expedited local partnership program. Under the program, 12074
the Ohio school facilities commission may enter into an agreement 12075
with the board of any school district under which the board may 12076
proceed with the new construction or major repairs of a part of 12077
the district's classroom facilities needs, as determined under 12078

sections 3318.01 to 3318.20 of the Revised Code, through the 12079
expenditure of local resources prior to the school district's 12080
eligibility for state assistance under those sections, and may 12081
apply that expenditure toward meeting the school district's 12082
portion of the basic project cost of the total of the district's 12083
classroom facilities needs, as recalculated under division (E) of 12084
this section, when the district becomes eligible for state 12085
assistance under sections 3318.01 to 3318.20 or section 3318.364 12086
of the Revised Code. Any school district that is reasonably 12087
expected to receive assistance under sections 3318.01 to 3318.20 12088
of the Revised Code within two fiscal years from the date the 12089
school district adopts its resolution under division (B) of this 12090
section shall not be eligible to participate in the program 12091
established under this section. 12092

(2) To participate in the program, a school district board 12093
shall first adopt a resolution certifying to the commission the 12094
board's intent to participate in the program. 12095

The resolution shall specify the approximate date that the 12096
board intends to seek elector approval of any bond or tax measures 12097
or to apply other local resources to use to pay the cost of 12098
classroom facilities to be constructed under this section. The 12099
resolution may specify the application of local resources or 12100
elector-approved bond or tax measures after the resolution is 12101
adopted by the board, and in such case the board may proceed with 12102
a discrete portion of its project under this section as soon as 12103
the commission and the controlling board have approved the basic 12104
project cost of the district's classroom facilities needs as 12105
specified in division (D) of this section. The board shall submit 12106
its resolution to the commission not later than ten days after the 12107
date the resolution is adopted by the board. 12108

The commission shall not consider any resolution that is 12109
submitted pursuant to division (B)(2) of this section, as amended 12110

by this amendment, sooner than September 14, 2000. 12111

(3) For purposes of determining when a district that enters 12112
into an agreement under this section becomes eligible for 12113
assistance under sections 3318.01 to 3318.20 of the Revised Code 12114
or priority for assistance under section 3318.364 of the Revised 12115
Code, the commission shall use one of the following as applicable: 12116

(a) Except for a tangible personal property phase-out 12117
impacted district, the district's percentile ranking determined at 12118
the time the district entered into the agreement under this 12119
section, as prescribed by division (A)(2) of this section; 12120

(b) For a tangible personal property phase-out impacted 12121
district, the lesser of (i) the district's percentile ranking 12122
determined at the time the district entered into the agreement 12123
under this section, as prescribed by division (A)(2) of this 12124
section, or (ii) the district's current percentile ranking under 12125
section 3318.011 of the Revised Code. 12126

(4) Any project under this section shall comply with section 12127
3318.03 of the Revised Code and with any specifications for plans 12128
and materials for classroom facilities adopted by the commission 12129
under section 3318.04 of the Revised Code. 12130

(5) If a school district that enters into an agreement under 12131
this section has not begun a project applying local resources as 12132
provided for under that agreement at the time the district is 12133
notified by the commission that it is eligible to receive state 12134
assistance under sections 3318.01 to 3318.20 of the Revised Code, 12135
all assessment and agreement documents entered into under this 12136
section are void. 12137

(6) Only construction of or repairs to classroom facilities 12138
that have been approved by the commission and have been therefore 12139
included as part of a district's basic project cost qualify for 12140
application of local resources under this section. 12141

(C) Based on the results of on-site visits and assessment, 12142
the commission shall determine the basic project cost of the 12143
school district's classroom facilities needs. The commission shall 12144
determine the school district's portion of such basic project 12145
cost, which shall be the greater of: 12146

(1) The required percentage of the basic project costs, 12147
determined based on the school district's percentile ranking; 12148

(2) An amount necessary to raise the school district's net 12149
bonded indebtedness, as of the fiscal year the commission and the 12150
school district enter into the agreement under division (B) of 12151
this section, to within five thousand dollars of the required 12152
level of indebtedness. 12153

(D)(1) When the commission determines the basic project cost 12154
of the classroom facilities needs of a school district and the 12155
school district's portion of that basic project cost under 12156
division (C) of this section, the project shall be conditionally 12157
approved. Such conditional approval shall be submitted to the 12158
controlling board for approval thereof. The controlling board 12159
shall forthwith approve or reject the commission's determination, 12160
conditional approval, and the amount of the state's portion of the 12161
basic project cost; however, no state funds shall be encumbered 12162
under this section. Upon approval by the controlling board, the 12163
school district board may identify a discrete part of its 12164
classroom facilities needs, which shall include only new 12165
construction of or additions or major repairs to a particular 12166
building, to address with local resources. Upon identifying a part 12167
of the school district's basic project cost to address with local 12168
resources, the school district board may allocate any available 12169
school district moneys to pay the cost of that identified part, 12170
including the proceeds of an issuance of bonds if approved by the 12171
electors of the school district. 12172

All local resources utilized under this division shall first 12173

be deposited in the project construction account required under 12174
section 3318.08 of the Revised Code. 12175

(2) Unless the school district board exercises its option 12176
under division (D)(3) of this section, for a school district to 12177
qualify for participation in the program authorized under this 12178
section, one of the following conditions shall be satisfied: 12179

(a) The electors of the school district by a majority vote 12180
shall approve the levy of taxes outside the ten-mill limitation 12181
for a period of twenty-three years at the rate of not less than 12182
one-half mill for each dollar of valuation to be used to pay the 12183
cost of maintaining the classroom facilities included in the basic 12184
project cost as determined by the commission. The form of the 12185
ballot to be used to submit the question whether to approve the 12186
tax required under this division to the electors of the school 12187
district shall be the form for an additional levy of taxes 12188
prescribed in section 3318.361 of the Revised Code, which may be 12189
combined in a single ballot question with the questions prescribed 12190
under section 5705.218 of the Revised Code. 12191

(b) As authorized under division (C) of section 3318.05 of 12192
the Revised Code, the school district board shall earmark from the 12193
proceeds of a permanent improvement tax levied under section 12194
5705.21 of the Revised Code, an amount equivalent to the 12195
additional tax otherwise required under division (D)(2)(a) of this 12196
section for the maintenance of the classroom facilities included 12197
in the basic project cost as determined by the commission. 12198

(c) As authorized under section 3318.051 of the Revised Code, 12199
the school district board shall, if approved by the commission, 12200
annually transfer into the maintenance fund required under section 12201
3318.05 of the Revised Code the amount prescribed in section 12202
3318.051 of the Revised Code in lieu of the tax otherwise required 12203
under division (D)(2)(a) of this section for the maintenance of 12204
the classroom facilities included in the basic project cost as 12205

determined by the commission. 12206

(d) If the school district board has rescinded the agreement 12207
to make transfers under section 3318.051 of the Revised Code, as 12208
provided under division (F) of that section, the electors of the 12209
school district, in accordance with section 3318.063 of the 12210
Revised Code, first shall approve the levy of taxes outside the 12211
ten-mill limitation for the period specified in that section at a 12212
rate of not less than one-half mill for each dollar of valuation. 12213

(e) The school district board shall apply the proceeds of a 12214
tax to leverage bonds as authorized under section 3318.052 of the 12215
Revised Code or dedicate a local donated contribution in the 12216
manner described in division (B) of section 3318.084 of the 12217
Revised Code in an amount equivalent to the additional tax 12218
otherwise required under division (D)(2)(a) of this section for 12219
the maintenance of the classroom facilities included in the basic 12220
project cost as determined by the commission. 12221

(3) A school district board may opt to delay taking any of 12222
the actions described in division (D)(2) of this section until the 12223
school district becomes eligible for state assistance under 12224
sections 3318.01 to 3318.20 of the Revised Code. In order to 12225
exercise this option, the board shall certify to the commission a 12226
resolution indicating the board's intent to do so prior to 12227
entering into an agreement under division (B) of this section. 12228

(4) If pursuant to division (D)(3) of this section a district 12229
board opts to delay levying an additional tax until the district 12230
becomes eligible for state assistance, it shall submit the 12231
question of levying that tax to the district electors as follows: 12232

(a) In accordance with section 3318.06 of the Revised Code if 12233
it will also be necessary pursuant to division (E) of this section 12234
to submit a proposal for approval of a bond issue; 12235

(b) In accordance with section 3318.361 of the Revised Code 12236

if it is not necessary to also submit a proposal for approval of a 12237
bond issue pursuant to division (E) of this section. 12238

(5) No state assistance under sections 3318.01 to 3318.20 of 12239
the Revised Code shall be released until a school district board 12240
that adopts and certifies a resolution under division (D) of this 12241
section also demonstrates to the satisfaction of the commission 12242
compliance with the provisions of division (D)(2) of this section. 12243

Any amount required for maintenance under division (D)(2) of 12244
this section shall be deposited into a separate fund as specified 12245
in division (B) of section 3318.05 of the Revised Code. 12246

(E)(1) If the school district becomes eligible for state 12247
assistance under sections 3318.01 to 3318.20 of the Revised Code 12248
based on its percentile ranking under division (B)(3) of this 12249
section or is offered assistance under section 3318.364 of the 12250
Revised Code, the commission shall conduct a new assessment of the 12251
school district's classroom facilities needs and shall recalculate 12252
the basic project cost based on this new assessment. The basic 12253
project cost recalculated under this division shall include the 12254
amount of expenditures made by the school district board under 12255
division (D)(1) of this section. The commission shall then 12256
recalculate the school district's portion of the new basic project 12257
cost, which shall be one of the following as applicable: 12258

(a) Except for a tangible personal property phase-out 12259
impacted district, the percentage of the original basic project 12260
cost assigned to the school district as its portion under division 12261
(C) of this section; 12262

(b) For a tangible personal property phase-out impacted 12263
district, the lesser of (i) the percentage of the original basic 12264
project cost assigned to the school district as its portion under 12265
division (C) of this section, or (ii) the percentage of the new 12266
basic project cost determined under section 3318.032 of the 12267

Revised Code using the district's current percentile ranking under 12268
section 3318.011 of the Revised Code. The 12269

The commission shall deduct the expenditure of school 12270
district moneys made under division (D)(1) of this section from 12271
the school district's portion of the basic project cost as 12272
recalculated under this division. If the amount of school district 12273
resources applied by the school district board to the school 12274
district's portion of the basic project cost under this section is 12275
less than the total amount of such portion as recalculated under 12276
this division, the school district board by a majority vote of all 12277
of its members shall, if it desires to seek state assistance under 12278
sections 3318.01 to 3318.20 of the Revised Code, adopt a 12279
resolution as specified in section 3318.06 of the Revised Code to 12280
submit to the electors of the school district the question of 12281
approval of a bond issue in order to pay any additional amount of 12282
school district portion required for state assistance. Any tax 12283
levy approved under division (D) of this section satisfies the 12284
requirements to levy the additional tax under section 3318.06 of 12285
the Revised Code. 12286

(2) If the amount of school district resources applied by the 12287
school district board to the school district's portion of the 12288
basic project cost under this section is more than the total 12289
amount of such portion as recalculated under ~~this~~ (E)(1) 12290
of this section, within one year after the school district's 12291
portion is so recalculated ~~under division (E)(1) of this section~~ 12292
the commission may grant to the school district the difference 12293
between the two calculated portions, but at no time shall the 12294
commission expend any state funds on a project in an amount 12295
greater than the state's portion of the basic project cost as 12296
recalculated under ~~this~~ (E)(1) of this section. 12297

Any reimbursement under this division shall be only for local 12298
resources the school district has applied toward construction cost 12299

expenditures for the classroom facilities approved by the 12300
commission, which shall not include any financing costs associated 12301
with that construction. 12302

The school district board shall use any moneys reimbursed to 12303
the district under this division to pay off any debt service the 12304
district owes for classroom facilities constructed under its 12305
project under this section before such moneys are applied to any 12306
other purpose. However, the district board first may deposit 12307
moneys reimbursed under this division into the district's general 12308
fund or a permanent improvement fund to replace local resources 12309
the district withdrew from those funds, as long as, and to the 12310
extent that, those local resources were used by the district for 12311
constructing classroom facilities included in the district's basic 12312
project cost. 12313

(3) A tangible personal property phase-out impacted district 12314
shall receive credit under division (E) of this section for the 12315
expenditure of local resources pursuant to any prior agreement 12316
authorized by this section, notwithstanding any recalculation of 12317
its average taxable value. 12318

Sec. 3326.29. A STEM school established under this chapter 12319
may submit to the superintendent of public administration a 12320
request for a waiver from administering the state achievement 12321
assessments required under sections 3301.0710 and 3301.0712 of the 12322
Revised Code and related requirements specified under division 12323
(C)(2) of section 3302.15 of the Revised Code in the manner 12324
prescribed by that section as if it were a school district. A STEM 12325
school that obtains a waiver under section 3302.15 of the Revised 12326
Code shall comply with all provisions of that section as if it 12327
were a school district. A STEM school is presumptively eligible to 12328
request such a waiver. 12329

Sec. 3345.56. Notwithstanding any provision of the Revised Code to the contrary, a student attending a state university as defined in section 3345.011 of the Revised Code is not an employee of the state university based upon the student's participation in an athletic program offered by the state university.

Sec. 3345.86. (A) As used in this section, an "eligible institution" means a community college established under Chapter 3354. of the Revised Code, a university branch established under Chapter 3355. of the Revised Code, a technical college established under Chapter 3357. of the Revised Code, or a state community college established under Chapter 3358. of the Revised Code.

(B) An individual who is at least twenty-two years of age and who is an eligible individual as defined in section 3317.23 of the Revised Code may enroll in an eligible institution for up to two cumulative school years for the purpose of completing the requirements to earn a high school diploma. An individual enrolled under this division may elect to satisfy these requirements by successfully completing a competency-based instructional program that complies with the standards adopted by the state board of education under section 3317.231 of the Revised Code.

The eligible institution in which the individual enrolls shall report that individual's enrollment on a full-time equivalency basis to the department of education.

(C)(1) For each eligible institution that enrolls individuals under division (B) of this section, the department annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the institution under that division.

(2) For each individual enrolled in an eligible institution under division (B) of this section, the department annually shall

pay to the institution an amount equal to the following: 12360

\$5,000 X the individual's enrollment on a full-time 12361

equivalency basis as certified under division (C)(1) of this 12362

section X the portion of the school year in which the individual 12363

is enrolled in the institution expressed as a percentage 12364

(D) If an individual enrolled in an eligible institution 12365

under division (B) of this section completes the requirements to 12366

earn a high school diploma, the institution shall certify the 12367

completion of those requirements to the city, local, or exempted 12368

village school district in which the individual resides. Upon 12369

receiving certification under this division, the city, local, or 12370

exempted village school district in which the individual resides 12371

shall issue a high school diploma to the individual. 12372

(E) An eligible institution that enrolls individuals under 12373

division (B) of this section shall be subject to the program 12374

administration standards adopted by the state board under section 12375

3317.231 of the Revised Code, as applicable. 12376

Sec. 3358.03. The government of a state community college 12377

district is vested in a board of nine trustees who shall be 12378

appointed by the governor, ~~from within the district,~~ with the 12379

advice and consent of the senate. Within ninety days after a state 12380

community college district is created pursuant to section 3358.02 12381

of the Revised Code, the governor shall make initial appointments 12382

to the board. Of these appointments three shall be for terms 12383

ending two years after the date upon which the district was 12384

created, three shall be for terms ending four years after that 12385

date, and three shall be for terms ending six years after that 12386

date. Thereafter, the successive terms of trustees shall be for 12387

six years, each term ending on the same day of the same month of 12388

the year as did the term which it ~~succeeds~~ succeeds. Each trustee 12389

shall hold office from the date of ~~his~~ appointment until the end 12390

of the term for which ~~he~~ the trustee was appointed. Any trustee 12391
appointed to fill a vacancy occurring prior to the expiration of 12392
the term for which ~~his~~ the trustee's predecessor was appointed 12393
shall hold office for the remainder of such term. Any trustee 12394
shall continue in office subsequent to the expiration date of ~~his~~ 12395
the trustee's term until ~~his~~ the trustee's successor takes office, 12396
or until a period of sixty days has elapsed, whichever occurs 12397
first. Where a state community ~~college~~ college district succeeds to 12398
the operations of a state general and technical college, or a 12399
technical college district, the initial board of trustees of the 12400
district shall be composed of the members of the board of trustees 12401
of the state general and technical college, or a technical college 12402
district, to serve for the balance of their existing terms, and 12403
such additional number appointed by the governor, with the advice 12404
and consent of the senate, as will total nine members; and the 12405
terms of such members appointed by the governor originally and to 12406
all succeeding terms shall be such that, in combination with the 12407
original remaining terms of the members from the technical college 12408
district, the eventual result will be that three terms will expire 12409
every second year. Appointees shall be qualified electors ~~residing~~ 12410
~~in the state community college district~~ of the state. The trustees 12411
shall receive no compensation for their services, but may be paid 12412
for their reasonably necessary expenses while engaged in the 12413
discharge of their official duties. A majority of the board 12414
constitutes a quorum. 12415

Sec. 3517.20. (A)~~(1)~~ As used in this section: 12416

~~(a)~~(1) "Political publication for or against a candidate" 12417
means a notice, placard, advertisement, sample ballot, brochure, 12418
flyer, direct mailer, or other form of general publication that is 12419
designed to promote the nomination, election, or defeat of a 12420
candidate. 12421

~~(b)~~(2) "Political publication for or against an issue" means 12422
a notice, placard, advertisement, sample ballot, brochure, flyer, 12423
direct mailer, or other form of general publication that is 12424
designed to promote the adoption or defeat of a ballot issue or 12425
question or to influence the voters in an election. 12426

~~(e)~~(3) "Public political advertising" means newspapers, 12427
magazines, outdoor advertising facilities, direct mailings, or 12428
other similar types of general public political advertising, or 12429
flyers, handbills, or other nonperiodical printed matter. 12430

~~(d)~~(4) "Statewide candidate" has the same meaning as in 12431
section 3517.102 of the Revised Code. 12432

~~(e)~~(5) "Legislative candidate" means a candidate for the 12433
office of member of the general assembly. 12434

~~(f)~~(6) "Local candidate" means a candidate for an elective 12435
office of a political subdivision of this state. 12436

~~(g)~~(7) "Legislative campaign fund" has the same meaning as in 12437
section 3517.01 of the Revised Code. 12438

~~(h)~~(8) "Limited political action committee" means a political 12439
action committee of fewer than ten members. 12440

~~(i)~~(9) "Limited political contributing entity" means a 12441
political contributing entity of fewer than ten members. 12442

~~(j)~~(10) "Designated amount" means one hundred dollars in the 12443
case of a local candidate or a local ballot issue, two hundred 12444
fifty dollars in the case of a legislative candidate, or five 12445
hundred dollars in the case of a statewide candidate or a 12446
statewide ballot issue. 12447

~~(k)~~(11) "To issue" includes to print, post, distribute, 12448
reproduce for distribution, or cause to be issued, printed, 12449
posted, distributed, or reproduced for distribution. 12450

~~(l)~~(12) "Telephone bank" means more than five hundred 12451

telephone calls of an identical or substantially similar nature 12452
within any thirty-day period, whether those telephone calls are 12453
made by individual callers or by recording. 12454

~~(2)(a) No political party or other (B)(1) Except as otherwise 12455
provided in division (B)(2) of this section, no entity, except a 12456
political action committee, a political contributing entity, a 12457
candidate, a legislative campaign fund, or a campaign committee, 12458
shall issue a form of political publication for or against a 12459
candidate, or shall make an expenditure for the purpose of 12460
financing political communications in support of or opposition to 12461
a candidate through public political advertising, do any of the 12462
following unless the name and residence or business address of the 12463
candidate or the chairperson, treasurer, or secretary of the 12464
legislative campaign fund, political party, or other entity that 12465
issues or otherwise is responsible for that political publication 12466
or that makes an expenditure for that political communication 12467
appears in a conspicuous place on that political publication or is 12468
contained or included within that political communication the 12469
publication, communication, or telephone call: 12470~~

(a) Issue a form of political publication in support of or 12471
opposition to a candidate or a ballot issue or question; 12472

(b) Make an expenditure for the purpose of financing 12473
political communications in support of or opposition to a 12474
candidate or a ballot issue or question through public political 12475
advertising; 12476

(c) Utter or cause to be uttered, over the broadcasting 12477
facilities of any radio or television station within this state, 12478
any communication in support of or opposition to a candidate or a 12479
ballot issue or question or any communication that is designed to 12480
influence the voters in an election; 12481

(d) Conduct a telephone bank for the purpose of supporting or 12482

opposing a candidate or a ballot issue or question or for the 12483
purpose of influencing the voters in an election. 12484

~~(b) No candidate, legislative campaign fund, or campaign~~ 12485
~~committee shall issue a form of political publication for or~~ 12486
~~against a candidate, or shall make an expenditure for the purpose~~ 12487
~~of financing political communications in support of or opposition~~ 12488
~~to a candidate through public political advertising, unless the~~ 12489
~~name of the entity appears in a conspicuous place on that~~ 12490
~~political publication or is contained within that political~~ 12491
~~communication.~~ 12492

~~(3) No (2) A limited political action committee or limited~~ 12493
~~political contributing entity shall may do either any of the~~ 12494
~~following unless the without including its name and residence or~~ 12495
~~business address of the chairperson, treasurer, or secretary of~~ 12496
~~the limited political action committee or limited political~~ 12497
~~contributing entity involved appears in a conspicuous place in the~~ 12498
~~political publication for or against a candidate described in~~ 12499
~~division (A)(3)(a) of this section or is contained within the~~ 12500
~~political publication or communication described in division~~ 12501
~~(A)(3)(b) of this section:~~ 12502

(a) Issue a form of political publication ~~for or against in~~ 12503
support of or opposition to a candidate or a ballot issue or 12504
question that costs does not cost in excess of the designated 12505
amount or that is not issued in cooperation, consultation, or 12506
concert with, or at the request or suggestion of, a candidate, a 12507
campaign committee, a legislative campaign fund, a political 12508
party, a political action committee with ten or more members, a 12509
political contributing entity with ten or more members, or a 12510
limited political action committee or limited political 12511
contributing entity that spends in excess of the designated amount 12512
on a related or the same or similar political publication ~~for or~~ 12513
against in support of or opposition to a candidate or a ballot 12514

issue or question; 12515

(b) Make an expenditure that is not in excess of the 12516
designated amount in support of or opposition to a candidate or a 12517
ballot issue or question or make an expenditure that is not made 12518
in cooperation, consultation, or concert with, or at the request 12519
or suggestion of, a candidate, a campaign committee, a legislative 12520
campaign fund, a political party, a political action committee 12521
with ten or more members, a political contributing entity with ten 12522
or more members, or a limited political action committee or 12523
limited political contributing entity that spends in excess of the 12524
designated amount in support of or opposition to the same 12525
candidate or a ballot issue or question, for the purpose of 12526
financing political communications in support of or opposition to 12527
that candidate or a ballot issue or question through public 12528
political advertising. 12529

~~(4) No political action committee with ten or more members 12530
and no political contributing entity with ten or more members 12531
shall issue a form of political publication for or against a 12532
candidate, or shall make an expenditure for the purpose of 12533
financing political communications in support of or opposition to 12534
a candidate through public political advertising, unless the name 12535
and residence or business address of the chairperson, treasurer, 12536
or secretary of the political action committee or political 12537
contributing entity that issues or otherwise is responsible for 12538
that political publication or that makes an expenditure for that 12539
political communication through public political advertising 12540
appears in a conspicuous place in that political publication or is 12541
contained within that political communication. 12542~~

~~(5)(a) No corporation, labor organization, political party, 12543
or other entity, except a political action committee, a 12544
legislative campaign fund, or a campaign committee, shall issue a 12545
form of political publication for or against an issue, or shall 12546~~

~~make an expenditure for the purpose of financing political 12547
communications in support of or opposition to a ballot issue or 12548
question through public political advertising, unless the name and 12549
residence or business address of the chairperson, treasurer, or 12550
secretary of the corporation, labor organization, political party, 12551
or other entity that issues or otherwise is responsible for that 12552
political publication or that makes an expenditure for that 12553
political communication through public political advertising 12554
appears in a conspicuous place in that political publication or is 12555
contained within that political communication. 12556~~

~~(b) No campaign committee or legislative campaign fund shall 12557
issue a form of political publication for or against an issue, or 12558
shall make an expenditure for the purpose of financing political 12559
communications in support of or opposition to a ballot issue or 12560
question through public political advertising, unless the name of 12561
the campaign committee or legislative campaign fund appears in a 12562
conspicuous place in that political publication or is contained 12563
within that political communication. 12564~~

~~(6) No limited political action committee shall do either of 12565
the following unless the name and residence or business address of 12566
the chairperson, treasurer, or secretary of the limited political 12567
action committee involved appears in a conspicuous place in the 12568
political publication for or against a ballot issue described in 12569
division (A)(6)(a) of this section or is contained within the 12570
political communication described in division (A)(6)(b) of this 12571
section. 12572~~

~~(a) Issue a form of political publication for or against a 12573
ballot issue that costs in excess of the designated amount or that 12574
is issued in cooperation, consultation, or concert with, or at the 12575
request or suggestion of, a candidate, a campaign committee, a 12576
legislative campaign fund, a political party, a political action 12577
committee with ten or more members, or a limited political action 12578~~

~~committee that spends in excess of the designated amount for a 12579
related or the same or similar political publication for or 12580
against an issue; 12581~~

~~(b) Make an expenditure in excess of the designated amount in 12582
support of or opposition to a ballot issue or make an expenditure 12583
in cooperation, consultation, or concert with, or at the request 12584
or suggestion of, a candidate, a campaign committee, a legislative 12585
campaign fund, a political party, a political action committee 12586
with ten or more members, or a limited political action committee 12587
that spends in excess of the designated amount in support of or 12588
opposition to the same ballot issue, for the purpose of financing 12589
political communications in support of or opposition to that 12590
ballot issue through public political advertising. 12591~~

~~(7) No political action committee with ten or more members 12592
shall issue a form of political publication for or against an 12593
issue, or shall make an expenditure for the purpose of financing 12594
political communications in support of or opposition to a ballot 12595
issue or question through public political advertising, unless the 12596
name and residence or business address of the chairperson, 12597
treasurer, or secretary of the political action committee that 12598
issues or otherwise is responsible for that political publication 12599
or that makes an expenditure for that political communication 12600
appears in a conspicuous place in that political publication or is 12601
contained within that political communication. 12602~~

~~(8) The disclaimer "paid political advertisement" is not 12603
sufficient to meet the requirements of this section. 12604~~

~~(9) If the political publication described in division (A) of 12605
this section is issued by the regularly constituted central or 12606
executive committee of a political party that is organized as 12607
provided in this chapter, it shall be sufficiently identified if 12608
it bears the name of the committee and its chairperson or 12609
treasurer. 12610~~

~~(10)(C)~~ If more than one piece of printed matter or printed political communications are mailed as a single packet, the requirements of division ~~(A)(B)~~ of this section are met if one of the pieces of printed matter or printed political communications in the packet contains the name ~~and residence or business address~~ of the ~~chairperson, treasurer, or secretary~~ of the organization or entity that issues or is responsible for the printed matter or other printed political communications, ~~except that if a campaign committee or legislative campaign fund mails more than one piece of printed matter or printed political communications as a single packet, the requirements of division (A) of this section are met if one of the pieces of printed matter or printed political communications in the packet contains the name of the campaign committee or legislative campaign fund.~~

~~(11)(D)~~ This section does not apply to the transmittal of personal correspondence that is not reproduced by machine for general distribution.

~~(12)(E)~~ The secretary of state, by rule, may exempt from the requirements of this section, printed matter and certain other kinds of printed communications such as campaign buttons, balloons, pencils, or similar items, the size or nature of which makes it unreasonable to add an identification or disclaimer.

~~(13)(F)~~ The disclaimer or identification described in division ~~(A)(B)~~ of this section, when paid for by a candidate, legislative campaign fund, or campaign committee, shall be identified by the words "paid for by" followed by the name of the entity. The identification or disclaimer may use reasonable abbreviations for common terms such as "committee".

~~(B)(1)~~ 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 entity shall utter or

~~cause to be uttered, over the broadcasting facilities of any radio 12643
or television station within this state, any communication that is 12644
designed to promote the nomination, election, or defeat of a 12645
candidate, or the adoption or defeat of an issue or to influence 12646
the voters in an election, unless the speaker identifies the 12647
speaker with the speaker's name and residence address or unless 12648
the communication identifies the chairperson, treasurer, or 12649
secretary of the organization responsible for the communication 12650
with the name and residence or business address of that officer, 12651
except that communications by radio need not broadcast the 12652
residence or business address of the officer. However, a radio 12653
station, for a period of at least six months, shall keep the 12654
residence or business address on file and divulge it to any person 12655
upon request. 12656~~

~~The disclaimer "paid political advertisement" is not 12657
sufficient to meet the requirements of this section. 12658~~

~~(G)(1) No person operating a broadcast station or an organ of 12659
printed media shall broadcast or print a paid political 12660
communication that does not contain the identification required by 12661
this section. 12662~~

~~(2) Division (B)(1)(c) of this section does not apply to any 12663
communications made on behalf of a radio or television station or 12664
network by any employee of such radio or television station or 12665
network while acting in the course of the employee's employment. 12666~~

~~(3)(H) No candidate or entity ~~described in division (B)(1)~~ of 12667
~~this section~~ shall use or cause to be used a false, fictitious, or 12668
fraudulent name or address in the making or issuing of a 12669
publication or communication included within the provisions of 12670
this section. 12671~~

~~(C) No candidate, campaign committee, legislative campaign 12672
fund, political party, political action committee, limited 12673~~

~~political action committee, political contributing entity, limited 12674
political contributing entity, or other person or entity shall 12675
conduct a telephone bank for the purpose of promoting the 12676
nomination, election, or defeat of a candidate or the adoption or 12677
defeat of an issue or to influence the voters in an election, 12678
unless the call includes a disclaimer that identifies the name of 12679
the candidate, campaign committee, legislative campaign fund, 12680
political party, political action committee, limited political 12681
action committee, political contributing entity, limited political 12682
contributing entity, or other person or entity paying for the 12683
telephone bank. 12684~~

~~(D)(I) Before a prosecution may commence under this section, 12685
a complaint shall be filed with the Ohio elections commission 12686
under section 3517.153 of the Revised Code. After the complaint is 12687
filed, the commission shall proceed in accordance with sections 12688
3517.154 to 3517.157 of the Revised Code. 12689~~

~~Sec. 3701.132. The department of health is hereby designated 12690
as the state agency to administer As used in this section, "WIC 12691
program" means the "special supplemental nutrition program for 12692
women, infants, and children" established under the "Child 12693
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 12694
The 12695~~

~~The department of health is hereby designated as the state 12696
agency to administer the WIC program. The director of health may 12697
adopt rules pursuant to Chapter 119. of the Revised Code as 12698
necessary for administering the WIC program. The rules may include 12699
civil money penalties for violations of the rules. 12700~~

~~In determining eligibility for services provided under the 12701
WIC program, the department may use the application form 12702
established under section ~~5111.013~~ 5163.40 of the Revised Code for 12703
the healthy start program. The department may require applicants 12704~~

to furnish their social security numbers. 12705

If the department determines that a vendor has committed an 12706
act with respect to the WIC program that federal statutes or 12707
regulations or state statutes or rules prohibit, the department 12708
shall take action against the vendor in the manner required by 7 12709
C.F.R. part 246, including imposition of a civil money penalty in 12710
accordance with 7 C.F.R. 246.12, or rules adopted under this 12711
section. 12712

Sec. 3701.34. (A) The Ohio public health advisory board shall 12713
review and make recommendations to the director of health on all 12714
of the following: 12715

(1) Developing and adopting proposed rules under Chapters 12716
3701 and 3717 of the Administrative Code; 12717

(2) Prescribing proposed fees for services provided by the 12718
office of vital statistics and the bureau of environmental health; 12719

(3) Any proposed policy changes that pertain to entities 12720
serving or seeking to serve as vendors under the WIC program, as 12721
defined in section 3701.132 of the Revised Code, that are not 12722
addressed pursuant to division (A)(1) of this section. 12723

(4) Issues to improve public health and increase awareness of 12724
public health issues at the state level, local level, or both; 12725

~~(4)~~(5) Any other public health issues that the director 12726
requests the board to consider. 12727

(B) ~~In making recommendations to the director under~~ For 12728
purposes of division (A)(1) of this section, all of the following 12729
apply: 12730

(1) Prior to filing a proposed rule with the joint committee 12731
on agency rule review, the department of health shall provide each 12732
board member with a copy of the proposed rule, copies of public 12733
comments received by the department during the public comment 12734

period, and written evidence of stakeholder involvement. 12735

(2) Prior to board meetings, copies of proposed rules shall 12736
be provided to members. On request of a member, the department 12737
shall ensure that appropriate department employees attend board 12738
meetings to answer questions concerning proposed rules. 12739

(3)(a) Not later than sixty days after receiving a copy of a 12740
proposed rule, the board shall recommend approval or disapproval 12741
of the rule and submit its recommendation by board action to the 12742
director. In making its recommendation, the board may consider 12743
public comments provided to the department or the board. 12744

(b) If the board fails to make a recommendation within sixty 12745
days of receiving a copy of the proposed rule, the director may 12746
file the proposed rule. 12747

(4) Except as provided in division (B)(3)(b) of this section, 12748
the director shall consider the board's recommendation before 12749
filing a proposed rule. On request of the board, the director 12750
shall meet with the board to discuss the board's recommendation. 12751

(5) If the director disagrees with the board's 12752
recommendation, the director shall inform the board in writing of 12753
the director's decision and the reason for the decision prior to 12754
the next quarterly meeting. The director or the director's 12755
designee may meet with the board at the next quarterly meeting to 12756
answer questions regarding why the director disagreed with the 12757
board's recommendation. 12758

~~(C)~~(6) To the extent the board believes that a proposed rule 12759
does not comply with requirements established by the joint 12760
committee on agency rule review or the common sense initiative 12761
office, nothing in this section prohibits the board, in carrying 12762
out its duties under division (A)(1) of this section, from 12763
contacting the joint committee on agency rule review or the common 12764
sense initiative office. 12765

~~(D) In making recommendations under (C) For purposes of~~ 12766
division (A)(2) of this section ~~for prescribing proposed fees for~~ 12767
~~services provided by the bureau of environmental health,~~ the board 12768
and the department shall develop a cost methodology, subject to 12769
approval by the director, regarding proposed fees for services 12770
provided by the department's bureau of environmental health. 12771

(D) For purposes of division (A)(3) of this section, a 12772
proposed WIC program policy change shall be treated as if it were 12773
a proposed rule subject to division (A)(1) of this section and the 12774
board and other entities involved in reviewing and making 12775
recommendations regarding the change may follow all or part of the 12776
procedures described in division (B) of this section. 12777

(E) This section does not apply to the following: 12778

(1) A proposed rule that is to be refiled with the joint 12779
committee on agency rule review solely because of technical or 12780
other nonsubstantive revisions; 12781

(2) The emergency adoption, amendment, or rescission of a 12782
rule under division (F) of section 119.03 of the Revised Code. 12783

Sec. 3701.74. (A) As used in this section and section 12784
3701.741 of the Revised Code: 12785

(1) "Ambulatory care facility" means a facility that provides 12786
medical, diagnostic, or surgical treatment to patients who do not 12787
require hospitalization, including a dialysis center, ambulatory 12788
surgical facility, cardiac catheterization facility, diagnostic 12789
imaging center, extracorporeal shock wave lithotripsy center, home 12790
health agency, inpatient hospice, birthing center, radiation 12791
therapy center, emergency facility, and an urgent care center. 12792
"Ambulatory care facility" does not include the private office of 12793
a physician or dentist, whether the office is for an individual or 12794
group practice. 12795

(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	12796 12797
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	12798 12799 12800
(4) "Health care practitioner" means all of the following:	12801
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	12802 12803
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	12804 12805
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	12806 12807
(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;	12808 12809 12810 12811
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	12812 12813
(f) A physician;	12814
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	12815 12816
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	12817 12818
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	12819 12820
(j) A chiropractor;	12821
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	12822 12823
(l) A speech-language pathologist or audiologist licensed	12824

under Chapter 4753. of the Revised Code;	12825
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	12826 12827
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	12828 12829
(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;	12830 12831 12832 12833
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	12834 12835
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	12836 12837
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	12838 12839 12840
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	12841 12842 12843
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	12844 12845
(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	12846 12847 12848 12849 12850 12851 12852 12853 12854

disabilities, as defined in section 5124.01 of the Revised Code. 12855

(8) "Medical record" means data in any form that pertains to 12856
a patient's medical history, diagnosis, prognosis, or medical 12857
condition and that is generated and maintained by a health care 12858
provider in the process of the patient's health care treatment. 12859

(9) "Medical records company" means a person who stores, 12860
locates, or copies medical records for a health care provider, or 12861
is compensated for doing so by a health care provider, and charges 12862
a fee for providing medical records to a patient or patient's 12863
representative. 12864

(10) "Patient" means either of the following: 12865

(a) An individual who received health care treatment from a 12866
health care provider; 12867

(b) A guardian, as defined in section 1337.11 of the Revised 12868
Code, of an individual described in division (A)(10)(a) of this 12869
section. 12870

(11) "Patient's personal representative" means a minor 12871
patient's parent or other person acting in loco parentis, a 12872
court-appointed guardian, or a person with durable power of 12873
attorney for health care for a patient, the executor or 12874
administrator of the patient's estate, or the person responsible 12875
for the patient's estate if it is not to be probated. "Patient's 12876
personal representative" does not include an insurer authorized 12877
under Title XXXIX of the Revised Code to do the business of 12878
sickness and accident insurance in this state, a health insuring 12879
corporation holding a certificate of authority under Chapter 1751. 12880
of the Revised Code, or any other person not named in this 12881
division. 12882

(12) "Pharmacy" has the same meaning as in section 4729.01 of 12883
the Revised Code. 12884

(13) "Physician" means a person authorized under Chapter 12885
4731. of the Revised Code to practice medicine and surgery, 12886
osteopathic medicine and surgery, or podiatric medicine and 12887
surgery. 12888

(14) "Authorized person" means a person to whom a patient has 12889
given written authorization to act on the patient's behalf 12890
regarding the patient's medical record. 12891

(B) A patient, a patient's personal representative, or an 12892
authorized person who wishes to examine or obtain a copy of part 12893
or all of a medical record shall submit to the health care 12894
provider a written request signed by the patient, personal 12895
representative, or authorized person dated not more than one year 12896
before the date on which it is submitted. The request shall 12897
indicate whether the copy is to be sent to the requestor, 12898
physician or chiropractor, or held for the requestor at the office 12899
of the health care provider. Within a reasonable time after 12900
receiving a request that meets the requirements of this division 12901
and includes sufficient information to identify the record 12902
requested, a health care provider that has the patient's medical 12903
records shall permit the patient to examine the record during 12904
regular business hours without charge or, on request, shall 12905
provide a copy of the record in accordance with section 3701.741 12906
of the Revised Code, except that if a physician or chiropractor 12907
who has treated the patient determines for clearly stated 12908
treatment reasons that disclosure of the requested record is 12909
likely to have an adverse effect on the patient, the health care 12910
provider shall provide the record to a physician or chiropractor 12911
designated by the patient. The health care provider shall take 12912
reasonable steps to establish the identity of the person making 12913
the request to examine or obtain a copy of the patient's record. 12914

(C) If a health care provider fails to furnish a medical 12915
record as required by division (B) of this section, the patient, 12916

personal representative, or authorized person who requested the 12917
record may bring a civil action to enforce the patient's right of 12918
access to the record. 12919

(D)(1) This section does not apply to medical records whose 12920
release is covered by section 173.20 or 3721.13 of the Revised 12921
Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 12922
C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 12923
Records," or by 42 C.F.R. 483.10. 12924

(2) Nothing in this section is intended to supersede the 12925
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 12926
and 2305.252 of the Revised Code. 12927

Sec. 3701.83. ~~(A)~~ There is hereby created in the state 12928
treasury the general operations fund. Moneys in the fund shall be 12929
used for the purposes specified in sections 3701.04, 3701.344, 12930
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 12931
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 12932
3749.04, 3749.07, 4747.04, and 4769.09 of the Revised Code. 12933

~~(B) The alcohol testing program fund is hereby created in the 12934
state treasury. The director of health shall use the fund to 12935
administer and enforce the alcohol testing and permit program 12936
authorized by section 3701.143 of the Revised Code. 12937~~

~~The fund shall receive transfers from the liquor control fund 12938
created under section 4301.12 of the Revised Code. All investment 12939
earnings of the alcohol testing program fund shall be credited to 12940
the fund. 12941~~

Sec. 3702.511. (A) Except as provided in division (B) of this 12942
section, the following activities are reviewable under sections 12943
3702.51 to 3702.62 of the Revised Code: 12944

(1) Establishment, development, or construction of a new 12945
long-term care facility; 12946

(2) Replacement of an existing long-term care facility;	12947
(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;	12948 12949 12950 12951
(4) Either of the following changes in long term care bed capacity:	12952 12953
(a) An increase in <u>long-term care</u> bed capacity;	12954
(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.	12955 12956 12957 12958
(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;	12959 12960 12961 12962 12963 12964
(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.	12965 12966 12967
(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:	12968 12969
(1) Acquisition of computer hardware or software;	12970
(2) Acquisition of a telephone system;	12971
(3) Construction or acquisition of parking facilities;	12972
(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;	12973 12974 12975 12976

(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;	12977 12978
(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;	12979 12980 12981
(7) Construction, repair, or renovation of bathroom facilities;	12982 12983
(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;	12984 12985 12986 12987
(9) Removal of asbestos from a health care facility.	12988
Only that portion of a project that is described in this division is not reviewable.	12989 12990
Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.	12991 12992 12993 12994
(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.	12995 12996 12997 12998 12999 13000 13001
(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	13002 13003 13004 13005 13006

Code. Each application shall also include all other information 13007
required by rules adopted under division (B) of section 3702.57 of 13008
the Revised Code. 13009

(2) Each application shall be accompanied by the application 13010
fee established in rules adopted under division (G) of section 13011
3702.57 of the Revised Code. Application fees received by the 13012
director under this division shall be deposited into the state 13013
treasury to the credit of the certificate of need fund, which is 13014
hereby created. The director shall use the fund only to pay the 13015
costs of administering sections 3702.11 to 3702.20, 3702.30, and 13016
3702.51 to 3702.62 of the Revised Code and rules adopted under 13017
those sections. An application fee is nonrefundable unless the 13018
director determines that the application cannot be accepted. 13019

(3) The director shall review applications for certificates 13020
of need. As part of a review, the director shall determine whether 13021
an application is complete. The director shall not consider an 13022
application to be complete unless the application meets all 13023
criteria for a complete application specified in rules adopted 13024
under section 3702.57 of the Revised Code. The director shall mail 13025
to the applicant a written notice that the application is 13026
complete, or a written request for additional information, not 13027
later than thirty days after receiving an application or a 13028
response to an earlier request for information. Except as provided 13029
in section 3702.522 of the Revised Code, the director shall not 13030
make more than two requests for additional information. The 13031
director's determination that an application is not complete is 13032
final and not subject to appeal. 13033

(4) Except as necessary to comply with a subpoena issued 13034
under division (F) of this section, after a notice of completeness 13035
has been received, no person shall make revisions to information 13036
that was submitted to the director before the director mailed the 13037
notice of completeness or knowingly discuss in person or by 13038

telephone the merits of the application with the director. A 13039
person may supplement an application after a notice of 13040
completeness has been received by submitting clarifying 13041
information to the director. 13042

(C) All of the following apply to the process of granting or 13043
denying a certificate of need: 13044

(1) If the project proposed in a certificate of need 13045
application meets all of the applicable certificate of need 13046
criteria for approval under sections 3702.51 to 3702.62 of the 13047
Revised Code and the rules adopted under those sections, the 13048
director shall grant a certificate of need for all or part of the 13049
project that is the subject of the application by the applicable 13050
deadline specified in division (C)(4) of this section or any 13051
extension of it under division (C)(5) of this section. 13052

(2) The director's grant of a certificate of need does not 13053
affect, and sets no precedent for, the director's decision to 13054
grant or deny other applications for similar reviewable 13055
activities. 13056

(3) Any affected person may submit written comments regarding 13057
an application. The director shall consider all written comments 13058
received by the ~~thirtieth~~ forty-fifth day after ~~mailing the notice~~ 13059
~~of completeness or, in the case of applications under comparative~~ 13060
~~review, by the thirtieth day after~~ the application is submitted to 13061
the director ~~mails the last notice of completeness.~~ 13062

(4) Except as provided in division (C)(5) of this section, 13063
the director shall grant or deny certificate of need applications 13064
not later than sixty days after mailing the notice of 13065
completeness. 13066

(5) Except as otherwise provided in division (C)(6) of this 13067
section, the director or the applicant may extend the deadline 13068
prescribed in division (C)(4) of this section once, for no longer 13069

than thirty days, by written notice before the end of the deadline 13070
prescribed by division (C)(4) of this section. An extension by the 13071
director under division (C)(5) of this section shall apply to all 13072
applications that are in comparative review. 13073

(6) No applicant in a comparative review may extend the 13074
deadline specified in division (C)(4) of this section. 13075

(7) If the director does not grant or deny the certificate by 13076
the applicable deadline specified in division (C)(4) of this 13077
section or any extension of it under division (C)(5) of this 13078
section, the certificate shall be considered to have been granted. 13079

(8) In granting a certificate of need, the director shall 13080
specify as the maximum capital expenditure the certificate holder 13081
may obligate under the certificate a figure equal to one hundred 13082
ten per cent of the approved project cost. 13083

(9) In granting a certificate of need, the director may grant 13084
the certificate with conditions that must be met by the holder of 13085
the certificate. 13086

(D) When a certificate of need is granted for a project under 13087
which beds are to be relocated, upon completion of the project for 13088
which the certificate of need was granted a number of beds equal 13089
to the number of beds relocated shall cease to be operated in the 13090
long-term care facility from which they are relocated, except that 13091
the beds may continue to be operated for not more than fifteen 13092
days to allow relocation of residents to the facility to which the 13093
beds have been relocated. Notwithstanding section 3721.03 of the 13094
Revised Code, if the relocated beds are in a home licensed under 13095
Chapter 3721. of the Revised Code, the facility's license is 13096
automatically reduced by the number of beds relocated effective 13097
fifteen days after the beds are relocated. If the beds are in a 13098
facility that is certified as a skilled nursing facility or 13099
nursing facility under Title XVIII or XIX of the "Social Security 13100

Act," the certification for the beds shall be surrendered. If the 13101
beds are registered under section 3701.07 of the Revised Code as 13102
skilled nursing beds or long-term care beds, the director shall 13103
remove the beds from registration not later than fifteen days 13104
after the beds are relocated. 13105

(E) ~~The director shall monitor the activities of persons~~ 13106
~~granted certificates of need during~~ During the period beginning 13107
with the granting of ~~the~~ a certificate of need and ending five 13108
years after implementation of the reviewable activity for which 13109
the certificate was granted, the director shall monitor the 13110
activities of the person granted the certificate to determine 13111
whether the reviewable activity is conducted in substantial 13112
accordance with the certificate. A reviewable activity shall not 13113
be determined to be not in substantial accordance with the 13114
certificate of need solely because of a decrease in bed capacity. 13115

(F) When reviewing applications for certificates of need, 13116
considering appeals under section 3702.60 of the Revised Code, or 13117
monitoring activities of persons granted certificates of need, the 13118
director may issue and enforce, in the manner provided in section 13119
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 13120
compel a person to testify and produce documents relevant to 13121
review of the application, consideration of the appeal, or 13122
monitoring of the activities. In addition, the director or the 13123
director's designee may visit the sites where the activities are 13124
or will be conducted. 13125

(G) The director may withdraw certificates of need. 13126

(H) All long-term care facilities shall submit to the 13127
director, upon request, any information prescribed by rules 13128
adopted under division (H) of section 3702.57 of the Revised Code 13129
that is necessary to conduct reviews of certificate of need 13130
applications and to develop criteria for reviews. 13131

(I) Any decision to grant or deny a certificate of need shall
consider the special needs and circumstances resulting from moral
and ethical values and the free exercise of religious rights of
long-term care facilities administered by religious organizations,
and the special needs and circumstances of inner city and rural
communities.

Sec. 3702.526. (A) Except as provided in division (B) of this
section, the director of health shall accept an application for a
replacement certificate of need for an activity described in
division (A)~~(5)~~ of section 3702.511 of the Revised Code to replace
an approved certificate of need ~~for that activity~~ if all of the
following conditions are met:

(1) The applicant requests the replacement certificate of
need so that the reviewable activity for which the approved
certificate of need was granted can be implemented in a manner
that is not in substantial accord with the approved
certificate of need.

(2) The applicant is the same as the applicant for the
approved certificate of need or an affiliated or related person as
described in division (B) of section 3702.523 of the Revised Code.

~~(2)~~(3) The source of any long-term care beds to be relocated
is the same as in the approved certificate of need.

~~(3)~~(4) The application for the approved certificate of need
was not subject to comparative review under section 3702.593 of
the Revised Code.

(B) The director shall not accept an application for a
replacement certificate that proposes to increase the number of
long-term care beds to be relocated specified in the application
for the approved certificate of need.

(C) For the purpose of determining whether long-term care

beds are from an existing long-term care facility, the director 13162
shall consider the date of filing of the application for a 13163
replacement certificate to be the same as the date of filing of 13164
the original application for the approved certificate of need. 13165

(D) Any long-term care beds that were ~~approved~~ proposed to be 13166
relocated in the approved certificate of need remain ~~approved~~ 13167
eligible to be recategorized as a different category of long-term 13168
care beds in the application for a replacement certificate. 13169

(E) The applicant shall submit with the application for a 13170
replacement certificate a nonrefundable fee equal to the 13171
application fee for the approved certificate of need. 13172

(F) The director shall review and approve or deny the 13173
application for the replacement certificate in the same manner as 13174
the application for the approved certificate of need. 13175

(G) Upon approval of the application for a replacement 13176
certificate, the original certificate of need is automatically 13177
voided. 13178

Sec. 3702.59. (A) The director of health shall accept for 13179
review certificate of need applications as provided in sections 13180
3702.592, 3702.593, and 3702.594 of the Revised Code. 13181

(B)(1) The director shall not approve an application for a 13182
certificate of need for the addition of long-term care beds to an 13183
existing long-term care facility or for the development of a new 13184
long-term care facility if any of the following apply: 13185

(a) The existing long-term care facility in which the beds 13186
are being placed has one or more waivers for life safety code 13187
deficiencies, one or more state fire code violations, or one or 13188
more state building code violations, and the project identified in 13189
the application does not propose to correct all life safety code 13190
deficiencies for which a waiver has been granted, all state fire 13191

code violations, and all state building code violations at the 13192
existing long-term care facility in which the beds are being 13193
placed; 13194

(b) During the sixty-month period preceding the filing of the 13195
application, a notice of proposed license revocation was issued 13196
under section 3721.03 of the Revised Code for the existing 13197
long-term care facility in which the beds are being placed or a 13198
nursing home owned or operated by the applicant or a principal 13199
participant. 13200

(c) During the period that precedes the filing of the 13201
application and is encompassed by the three most recent standard 13202
surveys of the existing long-term care facility in which the beds 13203
are being placed, any of the following occurred: 13204

(i) The facility was cited on three or more separate 13205
occasions for final, nonappealable actual harm but not immediate 13206
jeopardy deficiencies. 13207

(ii) The facility was cited on two or more separate occasions 13208
for final, nonappealable immediate jeopardy deficiencies. 13209

(iii) The facility was cited on two separate occasions for 13210
final, nonappealable actual harm but not immediate jeopardy 13211
deficiencies and on one occasion for a final, nonappealable 13212
immediate jeopardy deficiency. 13213

(d) More than two nursing homes owned or operated in this 13214
state by the applicant or a principal participant or, if the 13215
applicant or a principal participant owns or operates more than 13216
twenty nursing homes in this state, more than ten per cent of 13217
those nursing homes, were each cited during the period that 13218
precedes the filing of the application for the certificate of need 13219
and is encompassed by the three most recent standard surveys of 13220
the nursing homes that were so cited in any of the following 13221
manners: 13222

(i) On three or more separate occasions for final,	13223
nonappealable actual harm but not immediate jeopardy deficiencies;	13224
(ii) On two or more separate occasions for final,	13225
nonappealable immediate jeopardy deficiencies;	13226
(iii) On two separate occasions for final, nonappealable	13227
actual harm but not immediate jeopardy deficiencies and on one	13228
occasion for a final, nonappealable immediate jeopardy deficiency.	13229
(2) In applying divisions (B)(1)(a) to (d) of this section,	13230
the director shall not consider deficiencies or violations cited	13231
before the applicant or a principal participant acquired or began	13232
to own or operate the long-term care facility at which the	13233
deficiencies or violations were cited. The director may disregard	13234
deficiencies and violations cited after the long-term care	13235
facility was acquired or began to be operated by the applicant or	13236
a principal participant if the deficiencies or violations were	13237
attributable to circumstances that arose under the previous owner	13238
or operator and the applicant or principal participant has	13239
implemented measures to alleviate the circumstances. In the case	13240
of an application proposing development of a new long-term care	13241
facility by relocation of beds, the director shall not consider	13242
deficiencies or violations that were solely attributable to the	13243
physical plant of the existing long-term care facility from which	13244
the beds are being relocated.	13245
(C) The director also shall accept for review any application	13246
for the conversion of infirmary beds to long-term care beds if the	13247
infirmary meets all of the following conditions:	13248
(1) Is operated exclusively by a religious order;	13249
(2) Provides care exclusively to members of religious orders	13250
who take vows of celibacy and live by virtue of their vows within	13251
the orders as if related;	13252
(3) Was providing care exclusively to members of such a	13253

religious order on January 1, 1994. 13254

(D) Notwithstanding division (C)(2) of this section, a 13255
facility that has been granted a certificate of need under 13256
division (C) of this section may provide care to any of the 13257
following family members of the individuals described in division 13258
(C)(2) of this section: mothers, fathers, brothers, sisters, 13259
brothers-in-law, sisters-in-law, or children. Such a facility may 13260
also provide care to any individual who has been designated an 13261
associate member by the religious order that operates the 13262
facility. 13263

The long-term care beds in a facility that have been granted 13264
a certificate of need under division (C) of this section may not 13265
be relocated pursuant to sections 3702.592 to 3702.594 of the 13266
Revised Code. 13267

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 13268
Revised Code: 13269

(A) "Full-time practice" means working a minimum of forty 13270
hours per week for a minimum of forty-five weeks each service 13271
year. 13272

(B) "Part-time practice" means working a minimum of twenty 13273
and a maximum of thirty-nine hours per week for a minimum of 13274
forty-five weeks per service year. 13275

(C) "Primary care physician" means an individual who is 13276
authorized under Chapter 4731. of the Revised Code to practice 13277
medicine and surgery or osteopathic medicine and surgery and is 13278
board certified or board eligible in a primary care specialty. 13279

~~(B)~~(D) "Primary care service" means professional 13280
comprehensive personal health services, which may include health 13281
education and disease prevention, treatment of uncomplicated 13282
health problems, diagnosis of chronic health problems, overall 13283

management of health care services for an individual or a family, 13284
and the services of a psychiatrist. "Primary care service" also 13285
includes providing the initial contact for health care services 13286
~~and~~, making referrals for secondary and tertiary care and for 13287
continuity of health care services, and teaching activities to the 13288
extent specified in a contract entered into pursuant to section 13289
3702.74 of the Revised Code. 13290

~~(C)~~(E) "Primary care specialty" means general internal 13291
medicine, pediatrics, adolescent medicine, obstetrics and 13292
gynecology, psychiatry, child and adolescent psychiatry, geriatric 13293
psychiatry, combined internal medicine and pediatrics, geriatrics, 13294
or family practice. 13295

(F) "Teaching activities" means providing clinical education 13296
to students and residents regarding the primary care physician's 13297
normal course of practice and expertise at the service site 13298
specified in the contract described in section 3702.74 of the 13299
Revised Code. 13300

Sec. 3702.74. (A) A primary care physician who has signed a 13301
letter of intent under section 3702.73 of the Revised Code and the 13302
director of health may enter into a contract for the physician's 13303
participation in the physician loan repayment program. The 13304
physician's employer or other funding source may also be a party 13305
to the contract. 13306

(B) The contract shall include all of the following 13307
obligations: 13308

(1) The primary care physician agrees to provide primary care 13309
services in the health resource shortage area identified in the 13310
letter of intent for ~~at least two years~~ the number of hours and 13311
duration specified in the contract; 13312

(2) When providing primary care services in the health 13313

resource shortage area, the primary care physician agrees to do 13314
all of the following: 13315

(a) Provide primary care services ~~for a minimum of forty~~ 13316
~~hours per week, of which at least twenty one hours will be spent~~ 13317
~~providing patient care~~ in an outpatient or ambulatory setting 13318
approved by the department of health; 13319

(b) Provide primary care services without regard to a 13320
patient's ability to pay; 13321

(c) Meet the requirements for a medicaid provider agreement 13322
and enter into the agreement with the department of medicaid to 13323
provide primary care services to medicaid recipients. 13324

(3) The department of health agrees, as provided in section 13325
3702.75 of the Revised Code, to repay, so long as the primary care 13326
physician performs the service obligation agreed to under division 13327
(B)(1) of this section, all or part of the principal and interest 13328
of a government or other educational loan taken by the primary 13329
care physician for expenses described in section 3702.75 of the 13330
Revised Code; 13331

(4) The primary care physician agrees to pay the department 13332
of health an amount established by rules adopted under section 13333
3702.79 of the Revised Code if the physician fails to complete the 13334
service obligation agreed to under division (B)(1) of this 13335
section. 13336

(C) The contract ~~may include any other terms agreed upon by~~ 13337
~~the parties~~ shall include the following terms as agreed upon by 13338
the parties: 13339

(1) The primary care physician's required length of service 13340
in the health resource shortage area, which must be at least two 13341
years; 13342

(2) The number of weekly hours the primary care physician 13343

will be engaged in full-time practice or part-time practice in the 13344
health resource shortage area; 13345

(3) The maximum amount that the department will repay on 13346
behalf of the primary care physician; 13347

(4) The extent to which the primary care physician's teaching 13348
activities will be counted toward the physician's full-time 13349
practice or part-time practice hours under the contract. 13350

(D) If the amount specified in division (C)(3) of this 13351
section includes funds from the bureau of clinician recruitment 13352
and service in the United States department of health and human 13353
services, the amount of state funds repaid on the individual's 13354
behalf shall be the same as the amount of those funds. 13355

Sec. 3702.75. There is hereby created the physician loan 13356
repayment program. Under the program, the department of health, by 13357
means of a contract provision under division (B)(3) of section 13358
3702.74 of the Revised Code, may agree to repay all or part of the 13359
principal and interest of a government or other educational loan 13360
taken by a primary care physician for the following expenses, so 13361
long as the expenses were incurred while the physician was 13362
enrolled in, for up to a maximum of four years, a medical school 13363
or osteopathic medical school in the United States that was, 13364
during the time enrolled, accredited by the liaison committee on 13365
medical education or the American osteopathic association, or a 13366
medical school or osteopathic medical school located outside the 13367
United States that was, during the time enrolled, acknowledged by 13368
the world health organization and verified by a member state of 13369
that organization as operating within the state's jurisdiction: 13370

(A) Tuition; 13371

(B) Other educational expenses, such as fees, books, and 13372
laboratory expenses, for specific purposes and in amounts 13373

determined to be reasonable by the director of health; 13374

(C) Room and board, in an amount determined reasonable by the 13375
director of health. 13376

~~In the first and second years, no repayment shall exceed 13377
twenty five thousand dollars in each year. In the third and fourth 13378
years, no repayment shall exceed thirty five thousand dollars in 13379
each year. If, however, a repayment results in an increase in the 13380
primary care physician's federal, state, or local income tax 13381
liability, at the physician's request, the department may 13382
reimburse the physician for the increased tax liability, 13383
regardless of the amount of the repayment made to the physician in 13384
that year. 13385~~

~~Not later than the thirty first day of January each year, the 13386
department shall mail to each physician to whom or on whose behalf 13387
repayment is made under this section a statement showing the 13388
amount repaid by the department pursuant to the contract in the 13389
preceding year. The statement shall be sent by ordinary mail with 13390
address correction and forwarding requested in the manner 13391
prescribed by the United States postal service. 13392~~

Sec. 3702.91. (A) As used in this section: 13393

(1) "Full-time practice" and "part-time practice" have the 13394
same meanings as in section 3702.71 of the Revised Code; 13395

(2) "Teaching activities" means supervising dental students 13396
and dental residents at the service site specified in the letter 13397
of intent described in section 3702.90 of the Revised Code. 13398

(B) An individual who has signed a letter of intent ~~under 13399
section 3702.90 of the Revised Code~~ may enter into a contract with 13400
the director of health for participation in the dentist loan 13401
repayment program. The dentist's employer or other funding source 13402
may also be a party to the contract. 13403

~~(B)~~(C) The contract shall include all of the following 13404
obligations: 13405

(1) The individual agrees to provide dental services in the 13406
dental health resource shortage area identified in the letter of 13407
intent for ~~at least two years~~ the number of hours and duration 13408
specified in the contract. 13409

(2) When providing dental services in the dental health 13410
resource shortage area, the individual agrees to do all of the 13411
following: 13412

(a) Provide dental services ~~for a minimum of forty hours per~~ 13413
~~week~~ in a service site approved by the department of health; 13414

(b) Provide dental services without regard to a patient's 13415
ability to pay; 13416

(c) Meet the requirements for a medicaid provider agreement 13417
and enter into the agreement with the department of medicaid to 13418
provide dental services to medicaid recipients. 13419

(3) The department of health agrees, as provided in section 13420
3702.85 of the Revised Code, to repay, so long as the individual 13421
performs the service obligation agreed to under division ~~(B)~~(C)(1) 13422
of this section, all or part of the principal and interest of a 13423
government or other educational loan taken by the individual for 13424
expenses described in section 3702.85 of the Revised Code. 13425

(4) The individual agrees to pay the department of health an 13426
amount established by rules adopted under section 3702.86 of the 13427
Revised Code, if the individual fails to complete the service 13428
obligation agreed to under division ~~(B)~~(C)(1) of this section. 13429

~~(C)~~(D) The contract ~~may~~ shall include ~~any other~~ the following 13430
terms as agreed upon by the parties: 13431

(1) The individual's required length of service in the dental 13432
health resource shortage area, which must be at least two years; 13433

(2) The number of weekly hours the individual will be engaged 13434
in full-time practice or part-time practice; 13435

(3) The maximum amount that the department will repay on 13436
behalf of the individual; 13437

(4) The extent to which the individual's teaching activities 13438
will be counted toward the individual's full-time practice or 13439
part-time practice hours under the contract. 13440

~~(D) Not later than the thirty first day of January of each~~ 13441
~~year, the department of health shall mail to each individual to~~ 13442
~~whom or on whose behalf repayment is made under the dentist loan~~ 13443
~~repayment program a statement showing the amount of principal and~~ 13444
~~interest repaid by the department pursuant to the contract in the~~ 13445
~~preceding year. The statement shall be sent by ordinary mail with~~ 13446
~~address correction and forwarding requested in the manner~~ 13447
~~prescribed by the United States postal service.~~ 13448

(E) If the amount specified in division (D)(3) of this 13449
section includes funds from the bureau of clinician recruitment 13450
and service in the United States department of health and human 13451
services, the amount of state funds repaid on the individual's 13452
behalf shall be the same as the amount of those funds. 13453

Sec. 3702.95. The director of health may accept gifts of 13454
money from any source for the implementation and administration of 13455
sections 3702.85 to ~~3702.93~~ 3702.92 of the Revised Code. 13456

The director shall pay all gifts accepted under this section 13457
into the state treasury, to the credit of the dental health 13458
resource shortage area fund, which is hereby created, and all 13459
damages collected under division ~~(B)~~(C)(4) of section 3702.91 of 13460
the Revised Code, into the state treasury, to the credit of the 13461
dentist loan repayment fund, which is hereby created. 13462

The director shall use the dental health resource shortage 13463

area and dentist loan repayment funds for the implementation and 13464
administration of sections 3702.85 to 3702.95 of the Revised Code. 13465

Sec. 3721.02. (A) As used in this section, "residential 13466
facility" means a residential facility licensed under section 13467
5119.34 of the Revised Code that provides accommodations, 13468
supervision, and personal care services for three to sixteen 13469
unrelated adults. 13470

(B)(1) The director of health shall license homes and 13471
establish procedures to be followed in inspecting and licensing 13472
homes. The director may inspect a home at any time. Each home 13473
shall be inspected by the director at least once prior to the 13474
issuance of a license and at least once every fifteen months 13475
thereafter. The state fire marshal or a township, municipal, or 13476
other legally constituted fire department approved by the marshal 13477
shall also inspect a home prior to issuance of a license, at least 13478
once every fifteen months thereafter, and at any other time 13479
requested by the director. A home does not have to be inspected 13480
prior to issuance of a license by the director, state fire 13481
marshal, or a fire department if ownership of the home is assigned 13482
or transferred to a different person and the home was licensed 13483
under this chapter immediately prior to the assignment or 13484
transfer. The director may enter at any time, for the purposes of 13485
investigation, any institution, residence, facility, or other 13486
structure that has been reported to the director or that the 13487
director has reasonable cause to believe is operating as a nursing 13488
home, residential care facility, or home for the aging without a 13489
valid license required by section 3721.05 of the Revised Code or, 13490
in the case of a county home or district home, is operating 13491
despite the revocation of its residential care facility license. 13492
The director may delegate the director's authority and duties 13493
under this chapter to any division, bureau, agency, or official of 13494
the department of health. 13495

(2)(a) If, prior to issuance of a license, a home submits a request for an expedited licensing inspection and the request is submitted in a manner and form approved by the director, the director shall commence an inspection of the home not later than ten business days after receiving the request. 13496
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(b) On request, submitted in a manner and form approved by the director, the director may review plans for a building that is to be used as a home for compliance with applicable state and local building and safety codes. 13501
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(c) The director may charge a fee for an expedited licensing inspection or a plan review that is adequate to cover the expense of expediting the inspection or reviewing the plans. The fee shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code and used solely for expediting inspections and reviewing plans. 13505
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(C) A single facility may be licensed both as a nursing home pursuant to this chapter and as a residential facility pursuant to section 5119.34 of the Revised Code if the director determines that the part or unit to be licensed as a nursing home can be maintained separate and discrete from the part or unit to be licensed as a residential facility. 13511
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(D) In determining the number of residents in a home for the purpose of licensing, the director shall consider all the individuals for whom the home provides accommodations as one group unless one of the following is the case: 13517
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(1) The home is a home for the aging, in which case all the individuals in the part or unit licensed as a nursing home shall be considered as one group, and all the individuals in the part or unit licensed as a rest home shall be considered as another group. 13521
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(2) The home is both a nursing home and a residential facility. In that case, all the individuals in the part or unit 13525
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licensed as a nursing home shall be considered as one group, and 13527
all the individuals in the part or unit licensed as an adult care 13528
facility shall be considered as another group. 13529

(3) The home maintains, in addition to a nursing home or 13530
residential care facility, a separate and discrete part or unit 13531
that provides accommodations to individuals who do not require or 13532
receive skilled nursing care and do not receive personal care 13533
services from the home, in which case the individuals in the 13534
separate and discrete part or unit shall not be considered in 13535
determining the number of residents in the home if the separate 13536
and discrete part or unit is in compliance with the Ohio basic 13537
building code established by the board of building standards under 13538
Chapters 3781. and 3791. of the Revised Code and the home permits 13539
the director, on request, to inspect the separate and discrete 13540
part or unit and speak with the individuals residing there, if 13541
they consent, to determine whether the separate and discrete part 13542
or unit meets the requirements of this division. 13543

(E)(1) The director of health shall charge the following 13544
application fee and annual renewal licensing and inspection fee 13545
for each fifty persons or part thereof of a home's licensed 13546
capacity: 13547

(a) For state fiscal year 2010, two hundred twenty dollars; 13548

(b) For state fiscal year 2011, two hundred seventy dollars; 13549

(c) For each state fiscal year thereafter, three hundred 13550
twenty dollars. 13551

(2) All fees collected by the director for the issuance or 13552
renewal of licenses shall be deposited into the state treasury to 13553
the credit of the general operations fund created in section 13554
3701.83 of the Revised Code for use only in administering and 13555
enforcing this chapter and rules adopted under it. 13556

(F)(1) Except as otherwise provided in this section, the 13557

results of an inspection or investigation of a home that is 13558
conducted under this section, including any statement of 13559
deficiencies and all findings and deficiencies cited in the 13560
statement on the basis of the inspection or investigation, shall 13561
be used solely to determine the home's compliance with this 13562
chapter or another chapter of the Revised Code in any action or 13563
proceeding other than an action commenced under division (I) of 13564
section 3721.17 of the Revised Code. Those results of an 13565
inspection or investigation, that statement of deficiencies, and 13566
the findings and deficiencies cited in that statement shall not be 13567
used in any court or in any action or proceeding that is pending 13568
in any court and are not admissible in evidence in any action or 13569
proceeding unless that action or proceeding is an appeal of an 13570
action by the department of health under this chapter or is an 13571
action by any department or agency of the state to enforce this 13572
chapter or another chapter of the Revised Code. 13573

(2) Nothing in division ~~(E)~~(F)(1) of this section prohibits 13574
the results of an inspection or investigation conducted under this 13575
section from being used in a criminal investigation or 13576
prosecution. 13577

Sec. 3721.122. Before an individual is admitted as a resident 13578
to a home, the home's administrator shall search for the 13579
individual's name in the internet-based sex offender and 13580
child-victim offender database established under division (A)(11) 13581
of section 2950.13 of the Revised Code. If the search results 13582
identify the individual as a sex offender and the individual is 13583
admitted as a resident to the home, the administrator shall 13584
provide for the home to do all of the following: 13585

(A) Develop a plan of care to protect the other residents' 13586
rights to a safe environment and to be free from abuse; 13587

(B) Notify all of the home's other residents and their 13588

sponsors that a sex offender has been admitted as a resident to 13589
the home and include in the notice a description of the plan of 13590
care developed under division (A) of this section; 13591

(C) Direct the individual in updating the individual's 13592
address under section 2950.05 of the Revised Code and, if the 13593
individual is unable to do so without assistance, provide the 13594
assistance the individual needs to update the individual's address 13595
under that section. 13596

Sec. 3730.09. (A) Each operator of a business that offers 13597
tattooing or body piercing services shall do all of the following: 13598

(1) Maintain procedures for ensuring that the individuals who 13599
perform tattooing or body piercing procedures are adequately 13600
trained to perform the procedures properly; 13601

(2) With respect to tattooing services, maintain written 13602
records that include the color, manufacturer, and lot number of 13603
each pigment used for each tattoo performed; 13604

(3) Comply with the safety and sanitation requirements for 13605
preventing transmission of infectious diseases, as established in 13606
rules adopted under section 3730.10 of the Revised Code; 13607

~~(4) Require the individuals who perform tattooing and body~~ 13608
~~piercing procedures to disinfect and sterilize~~ Ensure that all 13609
invasive equipment or parts of equipment used in performing ~~the~~ 13610
tattooing and body piercing procedures are disinfected and 13611
sterilized by using methods that meet the disinfection and 13612
sterilization requirements established in rules adopted under 13613
section 3730.10 of the Revised Code; 13614

(5) Ensure that weekly tests of the business's heat 13615
sterilization devices are performed to determine whether the 13616
devices are functioning properly. In having the devices tested, 13617
the operator of the business shall use a biological monitoring 13618

system that indicates whether the devices are killing 13619
microorganisms. If a test indicates that a device is not 13620
functioning properly, the operator shall take immediate remedial 13621
action to ensure that heat sterilization is being accomplished. 13622
The operator shall maintain documentation that the weekly tests 13623
are being performed. To comply with the documentation requirement, 13624
the documents must consist of a log that indicates the date on 13625
which each test is performed and the name of the person who 13626
performed the test or, if a test was conducted by an independent 13627
testing entity, a copy of the entity's testing report. The 13628
operator shall maintain records of each test performed for at 13629
least two years. 13630

(B) Each operator of a business that offers ear piercing 13631
services performed with an ear piercing gun shall require the 13632
individuals who perform the ear piercing services to disinfect and 13633
sterilize the ear piercing gun by using chemical solutions that 13634
meet the disinfection and sterilization requirements established 13635
in rules adopted under section 3730.10 of the Revised Code. 13636

Sec. 3735.31. A metropolitan housing authority created under 13637
sections 3735.27 to 3735.50 of the Revised Code, constitutes a 13638
body corporate and politic. Nothing in this chapter shall limit 13639
the authority of a metropolitan housing authority, or a nonprofit 13640
corporation formed by a metropolitan housing authority to carry 13641
out its functions, to compete for and perform federal housing 13642
contracts or grants within or outside this state. To clear, plan, 13643
and rebuild slum areas within the district in which the authority 13644
is created, to provide safe and sanitary housing accommodations to 13645
families of low income within that district, or to accomplish any 13646
combination of the foregoing purposes, the authority may do any of 13647
the following: 13648

(A) Sue and be sued; have a seal; have corporate succession; 13649

receive grants from state, federal, or other governments, or from 13650
private sources; conduct investigations into housing and living 13651
conditions; enter any buildings or property in order to conduct 13652
its investigations; conduct examinations, subpoena, and require 13653
the attendance of witnesses and the production of books and 13654
papers; issue commissions for the examination of witnesses who are 13655
out of the state or unable to attend before the authority or 13656
excused from attendance; and in connection with these powers, any 13657
member of the authority may administer oaths, take affidavits, and 13658
issue subpoenas; 13659

(B) Determine what areas constitute slum areas, and prepare 13660
plans for housing projects in those areas; purchase, lease, sell, 13661
exchange, transfer, assign, or mortgage any property, real or 13662
personal, or any interest in that property, or acquire the same by 13663
gift, bequest, or eminent domain; own, hold, clear, and improve 13664
property; provide and set aside housing projects, or dwelling 13665
units comprising portions of housing projects, designed especially 13666
for the use of families, the head of which or the spouse of which 13667
is sixty-five years of age or older; engage in, or contract for, 13668
the construction, reconstruction, alteration, or repair, or both, 13669
of any housing project or part of any housing project; include in 13670
any contract let in connection with a project, stipulations 13671
requiring that the contractor and any subcontractors comply with 13672
requirements as to minimum wages and maximum hours of labor, and 13673
comply with any conditions that the federal government has 13674
attached to its financial aid of the project; lease or operate, or 13675
both, any project, and establish or revise schedules of rents for 13676
any projects or part of any project; arrange with the county or 13677
municipal corporations, or both, for the planning and replanning 13678
of streets, alleys, and other public places or facilities in 13679
connection with any area or project; borrow money upon its notes, 13680
debentures, or other evidences of indebtedness, and secure the 13681
same by mortgages upon property held or to be held by it, or by 13682

pledge of its revenues, or in any other manner; invest any funds 13683
held in reserves or sinking funds or not required for immediate 13684
disbursements; execute contracts and all other instruments 13685
necessary or convenient to the exercise of the powers granted in 13686
this section; make, amend, and repeal bylaws and rules to carry 13687
into effect its powers and purposes; 13688

(C) Borrow money or accept grants or other financial 13689
assistance from the federal government for or in aid of any 13690
housing project within its territorial limits; take over or lease 13691
or manage any housing project or undertaking constructed or owned 13692
by the federal government; comply with any conditions and enter 13693
into any mortgages, trust indentures, leases, or agreements that 13694
are necessary, convenient, or desirable; 13695

(D) Subject to section 3735.311 of the Revised Code, employ a 13696
police force to protect the lives and property of the residents of 13697
housing projects within the district, to preserve the peace in the 13698
housing projects, and to enforce the laws, ordinances, and 13699
regulations of this state and its political subdivisions in the 13700
housing projects and, when authorized by law, outside the limits 13701
of the housing projects. 13702

(E) Enter into an agreement with a county, municipal 13703
corporation, or township in whose jurisdiction the metropolitan 13704
housing authority is located that permits metropolitan housing 13705
authority police officers employed under division (D) of this 13706
section to exercise full arrest powers as provided in section 13707
2935.03 of the Revised Code, perform any police function, exercise 13708
any police power, or render any police service within specified 13709
areas of the county, municipal corporation, or township for the 13710
purpose of preserving the peace and enforcing all laws of the 13711
state, ordinances of the municipal corporation, or regulations of 13712
the township. 13713

Sec. 3737.02. (A) The fire marshal may collect fees to cover 13714
the costs of performing inspections and other duties that the fire 13715
marshal is authorized or required by law to perform. Except as 13716
provided in division (B) of this section, all fees collected by 13717
the fire marshal shall be deposited to the credit of the fire 13718
marshal's fund. 13719

(B)(1) All of the following shall be credited to the 13720
underground storage tank administration fund, which is hereby 13721
created in the state treasury: 13722

~~(1)(a)~~ Fees collected under sections 3737.88 and 3737.881 of 13723
the Revised Code for operation of the underground storage tank and 13724
underground storage tank installer certification programs; 13725

~~(2)(b)~~ Moneys recovered under section 3737.89 of the Revised 13726
Code for the state's costs of undertaking corrective or 13727
enforcement actions under that section or section 3737.882 of the 13728
Revised Code; 13729

~~(3)(c)~~ Fines and penalties collected under section 3737.882 13730
of the Revised Code; 13731

~~(4)~~ Amounts repaid for underground storage tank revolving 13732
loans under section 3737.883 and other moneys, including 13733
corrective action enforcement case settlements or bankruptcy case 13734
awards or settlements, received by the fire marshal under sections 13735
3737.88 to 3737.89 of the Revised Code. 13736

~~(C)(2)~~ All interest earned on moneys credited to the 13737
underground storage tank administration fund shall be credited to 13738
the fund. Moneys credited to the underground storage tank 13739
administration fund shall be used by the fire marshal for 13740
implementation and enforcement of underground storage tank, 13741
corrective action, and installer certification programs under 13742
sections 3737.88 to 3737.89 of the Revised Code. ~~Only moneys~~ 13743

~~described in divisions (B)(3) and (4) of this section may be used~~ 13744
~~by the fire marshal to make underground storage tank revolving~~ 13745
~~loans under section 3737.883 of the Revised Code, and no other~~ 13746
~~moneys may be used to make those loans.~~ 13747

(D)(C) There is hereby created in the state treasury the 13748
underground storage tank revolving loan fund. The fund shall 13749
consist of amounts repaid for underground storage tank revolving 13750
loans under section 3737.883 of the Revised Code and moneys 13751
described in division (B)(1)(c) of this section that are allocated 13752
to the fund in accordance with division (D)(1) of this section. 13753
Moneys in the fund shall be used by the fire marshal to make 13754
underground storage tank revolving loans under section 3737.883 of 13755
the Revised Code. 13756

(D)(1) If the director of commerce determines that the cash 13757
balance in the underground storage tank administration fund is in 13758
excess of the amount needed for implementation and enforcement of 13759
the underground storage tank, corrective action, and installer 13760
certification programs under sections 3737.88 to 3737.89 of the 13761
Revised Code, the director may certify the excess amount to the 13762
director of budget and management. Upon certification, the 13763
director of budget and management may transfer from the 13764
underground storage tank administration fund to the underground 13765
storage tank revolving loan fund any amount up to, but not 13766
exceeding, the amount certified by the director of commerce, 13767
provided the amount transferred consists only of moneys described 13768
in division (B)(1)(c) of this section. 13769

(2) If the director of commerce determines that the cash 13770
balance in the underground storage tank administration fund is 13771
insufficient to implement and enforce the underground storage 13772
tank, corrective action, and installer certification programs 13773
under sections 3737.88 to 3737.89 of the Revised Code, the 13774
director may certify the amount needed to the director of budget 13775

and management. Upon certification, the director of budget and 13776
management may transfer from the underground storage tank 13777
revolving loan fund to the underground storage tank administration 13778
fund any amount up to, but not exceeding, the amount certified by 13779
the director of commerce. 13780

(E) The fire marshal shall take all actions necessary to 13781
obtain any federal funding available to carry out the fire 13782
marshal's responsibilities under sections 3737.88 to 3737.89 of 13783
the Revised Code and federal laws regarding the cleaning up of 13784
releases of petroleum, as "release" is defined in section 3737.87 13785
of the Revised Code, including, without limitation, any federal 13786
funds that are available to reimburse the state for the costs of 13787
undertaking corrective actions for such releases of petroleum. The 13788
state may, when appropriate, return to the United States any 13789
federal funds recovered under sections 3737.882 and 3737.89 of the 13790
Revised Code. 13791

Sec. 3745.71. (A) Except as otherwise provided in division 13792
(C) of this section, the owner or operator of a facility or 13793
property who conducts an environmental audit of one or more 13794
activities at the facility or property has a privilege with 13795
respect to both of the following: 13796

(1) The contents of an environmental audit report that is 13797
based on the audit; 13798

(2) The contents of communications between the owner or 13799
operator and employees or contractors of the owner or operator, or 13800
among employees or contractors of the owner or operator, that are 13801
necessary to the audit and are made in good faith as part of the 13802
audit after the employee or contractor is notified that the 13803
communication is part of the audit. 13804

(B) Except as otherwise provided in or ordered pursuant to 13805
this section, information that is privileged under this section is 13806

not admissible as evidence or subject to discovery in any civil or 13807
administrative proceeding and a person who possesses such 13808
information as a result of conducting or participating in an 13809
environmental audit shall not be compelled to testify in any civil 13810
or administrative proceeding concerning the privileged portions of 13811
the environmental audit. 13812

(C) The privilege provided in this section does not apply to 13813
criminal investigations or proceedings. Where an audit report is 13814
obtained, reviewed, or used in a criminal proceeding, the 13815
privilege provided in this section applicable to civil or 13816
administrative proceedings is not waived or eliminated. 13817
Furthermore, the privilege provided in this section does not apply 13818
to particular information under any of the following 13819
circumstances: 13820

(1) The privilege is not asserted with respect to that 13821
information by the owner or operator to whom the privilege 13822
belongs. 13823

(2) The owner or operator to whom the privilege belongs 13824
voluntarily testifies, or has provided written authorization to an 13825
employee, contractor, or agent to testify on behalf of the owner 13826
or operator, as to that information. 13827

(3) A court of record in a civil proceeding or the tribunal 13828
or presiding officer in an administrative proceeding finds, 13829
pursuant to this section, that the privilege does not apply to 13830
that information. 13831

(4) The information is required by law to be collected, 13832
developed, maintained, reported, disclosed publicly, or otherwise 13833
made available to a government agency. 13834

(5) The information is obtained from a source other than an 13835
environmental audit report, including, without limitation, 13836
observation, sampling, monitoring, a communication, a record, or a 13837

report that is not part of the audit on which the audit report is based. 13838
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(6) The information is collected, developed, made, or maintained in bad faith or for a fraudulent purpose. 13840
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(7) The owner or operator to whom the privilege belongs waives the privilege, in whole or in part, explicitly or by engaging in conduct that manifests a clear intent that the information not be privileged. If an owner or operator introduces part of an environmental audit report into evidence in a civil or administrative proceeding to prove that the owner or operator did not violate, or is no longer violating, any environmental laws, the privilege provided by this section is waived with respect to all information in the audit report that is relevant to that issue. 13842
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(8)(a) The information shows evidence of noncompliance with environmental laws and the owner or operator fails to do any of the following: 13852
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(i) Promptly initiate reasonable efforts to achieve compliance upon discovery of the noncompliance through an environmental audit; 13855
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(ii) Pursue compliance with reasonable diligence; 13858

(iii) Achieve compliance within a reasonable time. 13859

(b) "Reasonable diligence" includes, without limitation, compliance with section 3745.72 of the Revised Code. 13860
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(9) The information contains evidence that a government agency federally authorized, approved, or delegated to enforce environmental laws has reasonable cause to believe is necessary to prevent imminent and substantial endangerment or harm to human health or the environment. 13862
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(10) Any circumstance in which both of the following apply: 13867

(a) The information contains evidence regarding an alleged violation of environmental laws and a government agency charged with enforcing any of those laws has a substantial need for the information to protect public health or safety or to prevent substantial harm to property or the environment.

(b) The government agency is unable to obtain the substantial equivalent of the information by other means without unreasonable delay or expense.

(11) The information consists of personal knowledge of an individual who did not obtain that information as part of an environmental audit.

(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 13899
and is authorized generally to act on behalf of the owner or 13900
operator or is a person who is authorized specifically to assert 13901
or waive the privilege. 13902

(E) A person asserting the privilege provided in this section 13903
has the burden of proving the applicability of the privilege by a 13904
preponderance of the evidence. If a person seeking disclosure of 13905
information with respect to which a privilege is asserted under 13906
this section shows evidence of noncompliance with environmental 13907
laws pursuant to division (C)(8) of this section, the person 13908
asserting the privilege also has the burden of proving by a 13909
preponderance of the evidence that reasonable efforts to achieve 13910
compliance with those laws were initiated promptly and that 13911
compliance was pursued with reasonable diligence and achieved 13912
within a reasonable time. 13913

(F) When determining whether the privilege provided by this 13914
section applies to particular information, a court of record that 13915
is not acting pursuant to division (G) of this section, or the 13916
tribunal or presiding officer in an administrative proceeding, 13917
shall conduct an in camera review of the information in a manner 13918
consistent with applicable rules of procedure. 13919

(G)(1) The prosecuting attorney of a county or the attorney 13920
general, having probable cause to believe, based on information 13921
obtained from a source other than an environmental audit report, 13922
that a violation has been committed under environmental laws for 13923
which a civil or administrative action may be initiated, may 13924
obtain information with respect to which a privilege is asserted 13925
under this section pursuant to a search warrant, subpoena, or 13926
discovery under the Rules of Civil Procedure. The prosecuting 13927
attorney or the attorney general immediately shall place the 13928
information under seal and shall not review or disclose its 13929
contents. 13930

(2) Not later than sixty days after receiving an 13931
environmental audit report under division (G)(1) of this section, 13932
the prosecuting attorney or the attorney general may file with the 13933
court of common pleas of a county in which there is proper venue 13934
to bring a civil or administrative action pertaining to the 13935
alleged violation a petition requesting an in camera hearing to 13936
determine if the information described in division (G)(1) of this 13937
section is subject to disclosure under this section. Failure to 13938
file such a petition shall cause the information to be released to 13939
the owner or operator to whom it belongs. 13940

(3) Upon the filing of a petition under division (G)(2) of 13941
this section, the court shall issue an order scheduling an in 13942
camera hearing, not later than forty-five days after the filing of 13943
the petition, to determine if any or all of the information 13944
described in division (G)(1) of this section is subject to 13945
disclosure under this section. The order shall allow the 13946
prosecuting attorney or the attorney general to remove the seal 13947
from the report in order to review it and shall place appropriate 13948
limitations on distribution and review of the report to protect 13949
against unnecessary disclosure. 13950

(4) The prosecuting attorney or the attorney general may 13951
consult with government agencies regarding the contents of the 13952
report to prepare for the in camera hearing. Information described 13953
in division (G)(1) of this section that is used by the prosecuting 13954
attorney or the attorney general to prepare for the in camera 13955
hearing shall not be used by the prosecuting attorney, the 13956
attorney general, an employee or agent of either of them, or an 13957
agency described in division (G)(4) of this section in any 13958
investigation or proceeding against the respondent, and otherwise 13959
shall be kept confidential, unless the information is subject to 13960
disclosure under this section. 13961

(5) The parties may stipulate that information contained in 13962

an environmental audit report is or is not subject to disclosure 13963
under this section. 13964

(6) If the court determines that information described in 13965
division (G)(1) of this section is subject to disclosure under 13966
this section, the court shall compel disclosure under this section 13967
of only the information that is relevant to the proceeding 13968
described in division (G)(1) of this section. 13969

(H) Nothing in this section affects the nature, scope, or 13970
application of any privilege of confidentiality or nondisclosure 13971
recognized under another section of the Revised Code or the common 13972
law of this state, including, without limitation, the work product 13973
doctrine and attorney-client privilege. 13974

(I) The privilege provided by this section applies only to 13975
information and communications that are part of environmental 13976
audits initiated after March 13, 1997, ~~and completed before~~ 13977
~~January 1, 2014,~~ in accordance with the time frames specified in 13978
division (A) of section 3745.70 of the Revised Code. 13979

Sec. 3772.02. (A) There is hereby created the Ohio casino 13980
control commission described in Section 6(C)(1) of Article XV, 13981
Ohio Constitution. 13982

(B) The commission shall consist of seven members appointed 13983
within one month of ~~the effective date of this section~~ September 13984
10, 2010, by the governor with the advice and consent of the 13985
senate. The governor shall forward all appointments to the senate 13986
within twenty-four hours. 13987

(1) Each commission member is eligible for reappointment at 13988
the discretion of the governor. No commission member shall be 13989
appointed for more than three terms in total. 13990

(2) Each commission member shall be a resident of Ohio. 13991

(3) At least one commission member shall be experienced in 13992

law enforcement and criminal investigation.	13993
(4) At least one commission member shall be a certified public accountant experienced in accounting and auditing.	13994 13995
(5) At least one commission member shall be an attorney admitted to the practice of law in Ohio.	13996 13997
(6) At least one commission member shall be a resident of a county where one of the casino facilities is located.	13998 13999
(7) Not more than four commission members shall be of the same political party.	14000 14001
(8) No commission member shall have any affiliation with an Ohio casino operator or facility.	14002 14003
(C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party.	14004 14005 14006 14007 14008 14009 14010 14011
(D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A vacancy in the commission membership shall be filled in the same manner as the original appointment.	14012 14013 14014 14015 14016 14017 14018 14019 14020 14021
(E) The governor shall select one member to serve as	14022

chairperson and the commission members shall select one member 14023
from a different party than the chairperson to serve as 14024
vice-chairperson. The governor may remove and replace the 14025
chairperson at any time. No such member shall serve as chairperson 14026
for more than six successive years. The vice-chairperson shall 14027
assume the duties of the chairperson in the absence of the 14028
chairperson. The chairperson and vice-chairperson shall perform 14029
but shall not be limited to additional duties as are prescribed by 14030
commission rule. 14031

(F) A commission member is not required to devote the 14032
member's full time to membership on the commission. Each member of 14033
the commission shall receive compensation of ~~sixty~~ thirty thousand 14034
dollars per year, payable in monthly installments ~~for the first~~ 14035
~~four years of the commission's existence~~. Each member shall 14036
receive the member's actual and necessary expenses incurred in the 14037
discharge of the member's official duties. 14038

(G) The governor shall not appoint an individual to the 14039
commission, and an individual shall not serve on the commission, 14040
if the individual has been convicted of or pleaded guilty or no 14041
contest to a disqualifying offense as defined in section 3772.07 14042
of the Revised Code. Members coming under indictment or bill of 14043
information of a disqualifying offense shall resign from the 14044
commission immediately upon indictment. 14045

(H) At least five commission members shall be present for the 14046
commission to meet. The concurrence of four members is necessary 14047
for the commission to take any action. All members shall vote on 14048
the adoption of rules, and the approval of, and the suspension or 14049
revocation of, the licenses of casino operators or management 14050
companies, unless a member has a written leave of absence filed 14051
with and approved by the chairperson. 14052

(I) A commission member may be removed or suspended from 14053
office in accordance with section 3.04 of the Revised Code. 14054

(J) Each commission member, before entering upon the discharge of the member's official duties, shall make an oath to uphold the Ohio Constitution and laws of the state of Ohio and shall give a bond, payable by the commission, to the treasurer of state, in the sum of ten thousand dollars with sufficient sureties to be approved by the treasurer of state, which bond shall be filed with the secretary of state.

(K) The commission shall hold one regular meeting each month and shall convene other meetings at the request of the chairperson or a majority of the members. A member who fails to attend at least three-fifths of the regular and special meetings of the commission during any two-year period forfeits membership on the commission. All meetings of the commission shall be open meetings under section 121.22 of the Revised Code except as otherwise allowed by law.

Sec. 4121.02. (A) There is hereby created the industrial commission. The commission shall consist of three members appointed by the governor, with the advice and consent of the senate. One member shall be an individual who, on account of the individual's previous vocation, employment, or affiliations, can be classed as a representative of employers; one shall be an individual who, on account of the individual's previous vocation, employment, or affiliations, can be classed as a representative of employees; and one shall be an individual who, on account of the individual's previous vocation, employment, or affiliations, can be classed as a representative of the public. Each member shall have six or more years of recognized expertise in the field of workers' compensation, and at least one member shall be an attorney registered to practice law in this state. No more than two members of the industrial commission shall belong to or be affiliated with the same political party.

(B) Within thirty days after the industrial commission 14086
nominating council submits its list to the governor under division 14087
(D) of this section, the governor shall make initial appointments 14088
to the commission. Of the initial appointments, the member who is 14089
a representative of employees shall serve a term ending on June 14090
30, 1995; the member who is a representative of employers shall 14091
serve a term ending on June 30, 1997; and the member who is a 14092
representative of the public shall serve a term ending on June 30, 14093
1999. Thereafter, terms of office are for six years, beginning on 14094
the first day of July and ending on the thirtieth day of June. 14095

(C) Each member shall hold office from the date of the 14096
member's confirmation by the senate, as provided in division (E) 14097
of this section, until the end of the term for which the member 14098
was appointed, except that if a member has not been appointed by 14099
the end of the term, the member shall remain in office until the 14100
member's successor takes office, or until a period of sixty days 14101
has elapsed, whichever occurs first. However, if a member is 14102
appointed to fill a full term subsequent to an initial 14103
appointment, the term of office is as provided in division (B) of 14104
this section. The governor shall not appoint any person to more 14105
than two full six-year terms of office on the commission. This 14106
restriction does not prevent the governor from appointing a person 14107
to fill a vacancy caused by death, resignation, or removal of a 14108
commission member, or from appointing that person twice to full 14109
terms on the commission, or from appointing a person previously 14110
appointed to fill less than a full term twice to full terms on the 14111
commission. Except for the public member's tenure as chairperson 14112
of the self-insuring employer's evaluation board, a member of the 14113
commission shall hold no other ~~public office or position~~ of trust 14114
or profit, engage in any other occupation or business, or serve on 14115
any committee of any political party and shall devote full time to 14116
the member's duties as a member of the commission. 14117

(D) In making appointments to the commission, the governor 14118
shall select the members from the list of the names submitted by 14119
the industrial commission nominating council pursuant to this 14120
division. Within thirty days after ~~the effective date of this~~ 14121
~~section~~ October 20, 1993, the nominating council shall submit to 14122
the governor for the initial appointments a list containing three 14123
separate names for the employer, employee, and public members to 14124
be filled. Within seven days of the submission of the initial 14125
list, the governor shall either appoint individuals from the list 14126
or request the nominating council to submit another list of three 14127
names for each member the governor has not appointed from the 14128
original list, which list the nominating council shall submit to 14129
the governor within seven days of the governor's request. The 14130
governor then shall appoint, within seven days of the submission 14131
of the second list, individuals from either list to fill each 14132
position for which the governor has not made an appointment from 14133
the original list. Thereafter, within sixty days of a vacancy 14134
occurring as a result of the expiration of a term and within 14135
thirty days after other vacancies occurring on the commission, the 14136
nominating council shall submit an initial list containing three 14137
names for each vacancy. Within seven days of the submission of the 14138
initial list, the governor shall either appoint individuals from 14139
the list or request the nominating council to submit another list 14140
of three names for each member the governor has not appointed from 14141
the original list, which list the nominating council shall submit 14142
to the governor within fourteen days of the governor's request. 14143
The governor then shall appoint, within seven days of the 14144
submission of the second list, one of the individuals from either 14145
list to fill the vacancy for which the governor has not made an 14146
appointment from the original list. In order for a name of an 14147
individual to be submitted to the governor under this division, 14148
the nominating council shall approve the individual by an 14149
affirmative vote of not less than two-thirds of its members. 14150

(E) The governor shall notify the senate of the names of the individuals for whom the governor is making the initial appointments to the commission within thirty days after the submission of the names to the governor by the industrial commission nominating council under division (D) of this section. For appointments subsequent to the initial appointments under this division, if the appointment is to fill a member's term which is to expire, the governor shall notify the senate of the name of the individual to be appointed to fill that position by no later than the first day of June of the year that the term is to expire. For subsequent appointments to fill a vacancy on the commission occurring as a result of the death, resignation, or removal of the commission member, the governor shall notify the senate of the name of the individual to be appointed to fill the remainder of that term within thirty days after the submission of the names to the governor by the nominating council under division (D) of this section. For all appointments, the senate shall refer the matter to an appropriate standing committee for consideration of the appointments, and the committee shall hold a public hearing to consider the appointments. After conclusion of the public hearing, the standing committee shall make its recommendations to the senate. The senate shall not confirm any appointee if the individual does not meet the qualifications of division (A) of this section or if the individual has not been approved by the industrial commission nominating council as provided in division (D) of this section. If the full senate fails to take a final vote on an appointment within thirty days after the governor submits the names to the senate under this division, the individual's appointment is deemed confirmed by the senate and the individual shall take the office of commission member subject to removal as provided in division (F) of this section.

(F) The governor may remove or suspend a member of the commission pursuant to section 3.04 of the Revised Code. The

governor shall notify the senate of any decision to remove or 14184
suspend a commission member. The senate shall refer the matter to 14185
an appropriate standing committee for consideration and the 14186
committee shall hold a public hearing to consider the matter. At 14187
the hearing, the governor or the governor's authorized 14188
representative may present evidence and give testimony in support 14189
of the decision. The commission member or the member's authorized 14190
representatives may appear and present evidence and testimony. 14191
After conclusion of the public hearing, the committee shall make 14192
its recommendation to the senate. 14193

Upon receipt of a recommendation from the standing committee, 14194
the senate shall vote on the issue of whether to advise and 14195
consent to the removal or suspension of the member. The senate 14196
shall vote on the matter within sixty legislative days from the 14197
date the governor communicates the decision to remove or suspend 14198
the member. 14199

(G) The governor shall determine the compensation of the 14200
members of the commission, based upon such facts as the governor 14201
considers appropriate, provided that the salary of each member 14202
shall be no less than seventy-five thousand dollars per year. In 14203
addition, each commission member shall receive an annual salary 14204
increase based upon the average salary increases of other state 14205
department directors for that year, not to exceed five per cent 14206
per year. 14207

(H) Before entering upon the duties of office, each member 14208
shall take and subscribe to the constitutional oath of office and 14209
swear and affirm that the member holds no position under any 14210
committee of a political party, which oath or affirmation the 14211
member shall file in the office of the governor. Each member shall 14212
give a bond in the sum of fifty thousand dollars, which bond shall 14213
be approved by the governor and filed with the treasurer of state. 14214
All employees or deputies of the commission who receive or 14215

disburse state funds shall give a bond to the state in the amounts 14216
and surety approved by the industrial commission. 14217

(I) As used in this section only, "office of trust or profit" 14218
means: 14219

(1) A federal or state elective office or an elected office 14220
of a political subdivision of the state; 14221

(2) A position on a board or commission of the state that is 14222
appointed by the governor; 14223

(3) An office set forth in section 121.03, 121.04, or 121.05 14224
of the Revised Code; 14225

(4) An office of the government of the United States that is 14226
appointed by the president of the United States. 14227

Sec. 4121.443. Each contract the administrator of workers' 14228
compensation enters into with a managed care organization under 14229
division (B)(4) of section 4121.44 of the Revised Code shall 14230
require the managed care organization to enter into a data 14231
security agreement with the state board of pharmacy governing the 14232
managed care organization's use of the board's drug database 14233
established and maintained under section 4729.75 of the Revised 14234
Code. 14235

This section does not apply if the board no longer maintains 14236
the drug database. 14237

Sec. 4141.01. As used in this chapter, unless the context 14238
otherwise requires: 14239

(A)(1) "Employer" means the state, its instrumentalities, its 14240
political subdivisions and their instrumentalities, Indian tribes, 14241
and any individual or type of organization including any 14242
partnership, limited liability company, association, trust, 14243
estate, joint-stock company, insurance company, or corporation, 14244

whether domestic or foreign, or the receiver, trustee in 14245
bankruptcy, trustee, or the successor thereof, or the legal 14246
representative of a deceased person who subsequent to December 31, 14247
1971, or in the case of political subdivisions or their 14248
instrumentalities, subsequent to December 31, 1973: 14249

(a) Had in employment at least one individual, or in the case 14250
of a nonprofit organization, subsequent to December 31, 1973, had 14251
not less than four individuals in employment for some portion of a 14252
day in each of twenty different calendar weeks, in either the 14253
current or the preceding calendar year whether or not the same 14254
individual was in employment in each such day; or 14255

(b) Except for a nonprofit organization, had paid for service 14256
in employment wages of fifteen hundred dollars or more in any 14257
calendar quarter in either the current or preceding calendar year; 14258
or 14259

(c) Had paid, subsequent to December 31, 1977, for employment 14260
in domestic service in a local college club, or local chapter of a 14261
college fraternity or sorority, cash remuneration of one thousand 14262
dollars or more in any calendar quarter in the current calendar 14263
year or the preceding calendar year, or had paid subsequent to 14264
December 31, 1977, for employment in domestic service in a private 14265
home cash remuneration of one thousand dollars in any calendar 14266
quarter in the current calendar year or the preceding calendar 14267
year: 14268

(i) For the purposes of divisions (A)(1)(a) and (b) of this 14269
section, there shall not be taken into account any wages paid to, 14270
or employment of, an individual performing domestic service as 14271
described in this division. 14272

(ii) An employer under this division shall not be an employer 14273
with respect to wages paid for any services other than domestic 14274
service unless the employer is also found to be an employer under 14275

division (A)(1)(a), (b), or (d) of this section.	14276
(d) As a farm operator or a crew leader subsequent to	14277
December 31, 1977, had in employment individuals in agricultural	14278
labor; and	14279
(i) During any calendar quarter in the current calendar year	14280
or the preceding calendar year, paid cash remuneration of twenty	14281
thousand dollars or more for the agricultural labor; or	14282
(ii) Had at least ten individuals in employment in	14283
agricultural labor, not including agricultural workers who are	14284
aliens admitted to the United States to perform agricultural labor	14285
pursuant to sections 1184(c) and 1101(a)(15)(H) of the	14286
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A.	14287
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each	14288
of the twenty different calendar weeks, in either the current or	14289
preceding calendar year whether or not the same individual was in	14290
employment in each day; or	14291
(e) Is not otherwise an employer as defined under division	14292
(A)(1)(a) or (b) of this section; and	14293
(i) For which, within either the current or preceding	14294
calendar year, service, except for domestic service in a private	14295
home not covered under division (A)(1)(c) of this section, is or	14296
was performed with respect to which such employer is liable for	14297
any federal tax against which credit may be taken for	14298
contributions required to be paid into a state unemployment fund;	14299
(ii) Which, as a condition for approval of this chapter for	14300
full tax credit against the tax imposed by the "Federal	14301
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is	14302
required, pursuant to such act to be an employer under this	14303
chapter; or	14304
(iii) Who became an employer by election under division	14305
(A)(4) or (5) of this section and for the duration of such	14306

election; or 14307

(f) In the case of the state, its instrumentalities, its 14308
political subdivisions, and their instrumentalities, and Indian 14309
tribes, had in employment, as defined in divisions (B)(2)(a) and 14310
(B)(2)(1) of this section, at least one individual; 14311

(g) For the purposes of division (A)(1)(a) of this section, 14312
if any week includes both the thirty-first day of December and the 14313
first day of January, the days of that week before the first day 14314
of January shall be considered one calendar week and the days 14315
beginning the first day of January another week. 14316

(2) Each individual employed to perform or to assist in 14317
performing the work of any agent or employee of an employer is 14318
employed by such employer for all the purposes of this chapter, 14319
whether such individual was hired or paid directly by such 14320
employer or by such agent or employee, provided the employer had 14321
actual or constructive knowledge of the work. All individuals 14322
performing services for an employer of any person in this state 14323
who maintains two or more establishments within this state are 14324
employed by a single employer for the purposes of this chapter. 14325

(3) An employer subject to this chapter within any calendar 14326
year is subject to this chapter during the whole of such year and 14327
during the next succeeding calendar year. 14328

(4) An employer not otherwise subject to this chapter who 14329
files with the director of job and family services a written 14330
election to become an employer subject to this chapter for not 14331
less than two calendar years shall, with the written approval of 14332
such election by the director, become an employer subject to this 14333
chapter to the same extent as all other employers as of the date 14334
stated in such approval, and shall cease to be subject to this 14335
chapter as of the first day of January of any calendar year 14336
subsequent to such two calendar years only if at least thirty days 14337

prior to such first day of January the employer has filed with the 14338
director a written notice to that effect. 14339

(5) Any employer for whom services that do not constitute 14340
employment are performed may file with the director a written 14341
election that all such services performed by individuals in the 14342
employer's employ in one or more distinct establishments or places 14343
of business shall be deemed to constitute employment for all the 14344
purposes of this chapter, for not less than two calendar years. 14345
Upon written approval of the election by the director, such 14346
services shall be deemed to constitute employment subject to this 14347
chapter from and after the date stated in such approval. Such 14348
services shall cease to be employment subject to this chapter as 14349
of the first day of January of any calendar year subsequent to 14350
such two calendar years only if at least thirty days prior to such 14351
first day of January such employer has filed with the director a 14352
written notice to that effect. 14353

(B)(1) "Employment" means service performed by an individual 14354
for remuneration under any contract of hire, written or oral, 14355
express or implied, including service performed in interstate 14356
commerce and service performed by an officer of a corporation, 14357
without regard to whether such service is executive, managerial, 14358
or manual in nature, and without regard to whether such officer is 14359
a stockholder or a member of the board of directors of the 14360
corporation, unless it is shown to the satisfaction of the 14361
director that such individual has been and will continue to be 14362
free from direction or control over the performance of such 14363
service, both under a contract of service and in fact. The 14364
director shall adopt rules to define "direction or control." 14365

(2) "Employment" includes: 14366

(a) Service performed after December 31, 1977, by an 14367
individual in the employ of the state or any of its 14368
instrumentalities, or any political subdivision thereof or any of 14369

its instrumentalities or any instrumentality of more than one of 14370
the foregoing or any instrumentality of any of the foregoing and 14371
one or more other states or political subdivisions and without 14372
regard to divisions (A)(1)(a) and (b) of this section, provided 14373
that such service is excluded from employment as defined in the 14374
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 14375
3306(c)(7) and is not excluded under division (B)(3) of this 14376
section; or the services of employees covered by voluntary 14377
election, as provided under divisions (A)(4) and (5) of this 14378
section; 14379

(b) Service performed after December 31, 1971, by an 14380
individual in the employ of a religious, charitable, educational, 14381
or other organization which is excluded from the term "employment" 14382
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 14383
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 14384
3306(c)(8) of that act and is not excluded under division (B)(3) 14385
of this section; 14386

(c) Domestic service performed after December 31, 1977, for 14387
an employer, as provided in division (A)(1)(c) of this section; 14388

(d) Agricultural labor performed after December 31, 1977, for 14389
a farm operator or a crew leader, as provided in division 14390
(A)(1)(d) of this section; 14391

(e) Service not covered under division (B)(1) of this section 14392
which is performed after December 31, 1971: 14393

(i) As an agent-driver or commission-driver engaged in 14394
distributing meat products, vegetable products, fruit products, 14395
bakery products, beverages other than milk, laundry, or 14396
dry-cleaning services, for the individual's employer or principal; 14397

(ii) As a traveling or city salesperson, other than as an 14398
agent-driver or commission-driver, engaged on a full-time basis in 14399
the solicitation on behalf of and in the transmission to the 14400

salesperson's employer or principal except for sideline sales 14401
activities on behalf of some other person of orders from 14402
wholesalers, retailers, contractors, or operators of hotels, 14403
restaurants, or other similar establishments for merchandise for 14404
resale, or supplies for use in their business operations, provided 14405
that for the purposes of division (B)(2)(e)(ii) of this section, 14406
the services shall be deemed employment if the contract of service 14407
contemplates that substantially all of the services are to be 14408
performed personally by the individual and that the individual 14409
does not have a substantial investment in facilities used in 14410
connection with the performance of the services other than in 14411
facilities for transportation, and the services are not in the 14412
nature of a single transaction that is not a part of a continuing 14413
relationship with the person for whom the services are performed. 14414

(f) An individual's entire service performed within or both 14415
within and without the state if: 14416

(i) The service is localized in this state. 14417

(ii) The service is not localized in any state, but some of 14418
the service is performed in this state and either the base of 14419
operations, or if there is no base of operations then the place 14420
from which such service is directed or controlled, is in this 14421
state or the base of operations or place from which such service 14422
is directed or controlled is not in any state in which some part 14423
of the service is performed but the individual's residence is in 14424
this state. 14425

(g) Service not covered under division (B)(2)(f)(ii) of this 14426
section and performed entirely without this state, with respect to 14427
no part of which contributions are required and paid under an 14428
unemployment compensation law of any other state, the Virgin 14429
Islands, Canada, or of the United States, if the individual 14430
performing such service is a resident of this state and the 14431
director approves the election of the employer for whom such 14432

services are performed; or, if the individual is not a resident of 14433
this state but the place from which the service is directed or 14434
controlled is in this state, the entire services of such 14435
individual shall be deemed to be employment subject to this 14436
chapter, provided service is deemed to be localized within this 14437
state if the service is performed entirely within this state or if 14438
the service is performed both within and without this state but 14439
the service performed without this state is incidental to the 14440
individual's service within the state, for example, is temporary 14441
or transitory in nature or consists of isolated transactions; 14442

(h) Service of an individual who is a citizen of the United 14443
States, performed outside the United States except in Canada after 14444
December 31, 1971, or the Virgin Islands, after December 31, 1971, 14445
and before the first day of January of the year following that in 14446
which the United States secretary of labor approves the Virgin 14447
Islands law for the first time, in the employ of an American 14448
employer, other than service which is "employment" under divisions 14449
(B)(2)(f) and (g) of this section or similar provisions of another 14450
state's law, if: 14451

(i) The employer's principal place of business in the United 14452
States is located in this state; 14453

(ii) The employer has no place of business in the United 14454
States, but the employer is an individual who is a resident of 14455
this state; or the employer is a corporation which is organized 14456
under the laws of this state, or the employer is a partnership or 14457
a trust and the number of partners or trustees who are residents 14458
of this state is greater than the number who are residents of any 14459
other state; or 14460

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 14461
of this section is met but the employer has elected coverage in 14462
this state or the employer having failed to elect coverage in any 14463
state, the individual has filed a claim for benefits, based on 14464

such service, under this chapter. 14465

(i) For the purposes of division (B)(2)(h) of this section, 14466
the term "American employer" means an employer who is an 14467
individual who is a resident of the United States; or a 14468
partnership, if two-thirds or more of the partners are residents 14469
of the United States; or a trust, if all of the trustees are 14470
residents of the United States; or a corporation organized under 14471
the laws of the United States or of any state, provided the term 14472
"United States" includes the states, the District of Columbia, the 14473
Commonwealth of Puerto Rico, and the Virgin Islands. 14474

(j) Notwithstanding any other provisions of divisions (B)(1) 14475
and (2) of this section, service, except for domestic service in a 14476
private home not covered under division (A)(1)(c) of this section, 14477
with respect to which a tax is required to be paid under any 14478
federal law imposing a tax against which credit may be taken for 14479
contributions required to be paid into a state unemployment fund, 14480
or service, except for domestic service in a private home not 14481
covered under division (A)(1)(c) of this section, which, as a 14482
condition for full tax credit against the tax imposed by the 14483
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 14484
3311, is required to be covered under this chapter. 14485

(k) Construction services performed by any individual under a 14486
construction contract, as defined in section 4141.39 of the 14487
Revised Code, if the director determines that the employer for 14488
whom services are performed has the right to direct or control the 14489
performance of the services and that the individuals who perform 14490
the services receive remuneration for the services performed. The 14491
director shall presume that the employer for whom services are 14492
performed has the right to direct or control the performance of 14493
the services if ten or more of the following criteria apply: 14494

(i) The employer directs or controls the manner or method by 14495
which instructions are given to the individual performing 14496

services;	14497
(ii) The employer requires particular training for the individual performing services;	14498 14499
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	14500 14501
(iv) The employer requires that services be provided by a particular individual;	14502 14503
(v) The employer hires, supervises, or pays the wages of the individual performing services;	14504 14505
(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;	14506 14507 14508
(vii) The employer requires the individual to perform services during established hours;	14509 14510
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	14511 14512 14513
(ix) The employer requires the individual to perform services on the employer's premises;	14514 14515
(x) The employer requires the individual performing services to follow the order of work established by the employer;	14516 14517
(xi) The employer requires the individual performing services to make oral or written reports of progress;	14518 14519
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	14520 14521
(xiii) The employer pays expenses for the individual performing services;	14522 14523
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	14524 14525

(xv) The individual performing services has not invested in the facilities used to perform services;	14526 14527
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	14528 14529 14530
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	14531 14532
(xviii) The individual performing services does not make the services available to the general public;	14533 14534
(xix) The employer has a right to discharge the individual performing services;	14535 14536
(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.	14537 14538 14539
(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.	14540 14541 14542 14543 14544 14545 14546 14547 14548
(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:	14549 14550 14551 14552 14553
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of	14554 14555

this section;	14556
(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;	14557 14558 14559 14560
(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:	14561 14562 14563
(i) As a publicly elected official;	14564
(ii) As a member of a legislative body, or a member of the judiciary;	14565 14566
(iii) As a military member of the Ohio national guard;	14567
(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;	14568 14569 14570 14571
(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.	14572 14573 14574 14575 14576
(d) In the employ of any governmental unit or instrumentality of the United States;	14577 14578
(e) Service performed after December 31, 1971:	14579
(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	14580 14581 14582 14583 14584
(ii) By an individual who is enrolled at a nonprofit or	14585

public educational institution which normally maintains a regular 14586
faculty and curriculum and normally has a regularly organized body 14587
of students in attendance at the place where its educational 14588
activities are carried on as a student in a full-time program, 14589
taken for credit at the institution, which combines academic 14590
instruction with work experience, if the service is an integral 14591
part of the program, and the institution has so certified to the 14592
employer, provided that this subdivision shall not apply to 14593
service performed in a program established for or on behalf of an 14594
employer or group of employers. 14595

(f) Service performed by an individual in the employ of the 14596
individual's son, daughter, or spouse and service performed by a 14597
child under the age of eighteen in the employ of the child's 14598
father or mother; 14599

(g) Service performed for one or more principals by an 14600
individual who is compensated on a commission basis, who in the 14601
performance of the work is master of the individual's own time and 14602
efforts, and whose remuneration is wholly dependent on the amount 14603
of effort the individual chooses to expend, and which service is 14604
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 14605
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 14606
31, 1971: 14607

(i) By an individual for an employer as an insurance agent or 14608
as an insurance solicitor, if all this service is performed for 14609
remuneration solely by way of commission; 14610

(ii) As a home worker performing work, according to 14611
specifications furnished by the employer for whom the services are 14612
performed, on materials or goods furnished by such employer which 14613
are required to be returned to the employer or to a person 14614
designated for that purpose. 14615

(h) Service performed after December 31, 1971: 14616

(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;

(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

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.

(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;

(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan

association, savings and loan association, or savings association 14648
when the remuneration for such incidental service exclusive of the 14649
amount paid or allotted for directors' fees does not exceed sixty 14650
dollars per calendar quarter is casual labor; 14651

(l) Service performed in the employ of a voluntary employees' 14652
beneficial association providing for the payment of life, 14653
sickness, accident, or other benefits to the members of such 14654
association or their dependents or their designated beneficiaries, 14655
if admission to a membership in such association is limited to 14656
individuals who are officers or employees of a municipal or public 14657
corporation, of a political subdivision of the state, or of the 14658
United States and no part of the net earnings of such association 14659
inures, other than through such payments, to the benefit of any 14660
private shareholder or individual; 14661

(m) Service performed by an individual in the employ of a 14662
foreign government, including service as a consular or other 14663
officer or employee or of a nondiplomatic representative; 14664

(n) Service performed in the employ of an instrumentality 14665
wholly owned by a foreign government if the service is of a 14666
character similar to that performed in foreign countries by 14667
employees of the United States or of an instrumentality thereof 14668
and if the director finds that the secretary of state of the 14669
United States has certified to the secretary of the treasury of 14670
the United States that the foreign government, with respect to 14671
whose instrumentality exemption is claimed, grants an equivalent 14672
exemption with respect to similar service performed in the foreign 14673
country by employees of the United States and of instrumentalities 14674
thereof; 14675

(o) Service with respect to which unemployment compensation 14676
is payable under an unemployment compensation system established 14677
by an act of congress; 14678

(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not

subject to or required to be covered for full tax credit against 14711
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 14712
183 (1939), 26 U.S.C.A. 3301 to 3311. 14713

(t) Service performed in the employ of a day camp whose 14714
camping season does not exceed twelve weeks in any calendar year, 14715
and which service is not subject to the "Federal Unemployment Tax 14716
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 14717
performed after December 31, 1971: 14718

(i) In the employ of a hospital, if the service is performed 14719
by a patient of the hospital, as defined in division (W) of this 14720
section; 14721

(ii) For a prison or other correctional institution by an 14722
inmate of the prison or correctional institution; 14723

(iii) Service performed after December 31, 1977, by an inmate 14724
of a custodial institution operated by the state, a political 14725
subdivision, or a nonprofit organization. 14726

(u) Service that is performed by a nonresident alien 14727
individual for the period the individual temporarily is present in 14728
the United States as a nonimmigrant under division (F), (J), (M), 14729
or (Q) of section 101(a)(15) of the "Immigration and Nationality 14730
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 14731
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 14732
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 14733

(v) Notwithstanding any other provisions of division (B)(3) 14734
of this section, services that are excluded under divisions 14735
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 14736
from employment when performed for a nonprofit organization, as 14737
defined in division (X) of this section, or for this state or its 14738
instrumentalities, or for a political subdivision or its 14739
instrumentalities or for Indian tribes; 14740

(w) Service that is performed by an individual working as an 14741

election official or election worker if the amount of remuneration 14742
received by the individual during the calendar year for services 14743
as an election official or election worker is less than one 14744
thousand dollars; 14745

(x) Service performed for an elementary or secondary school 14746
that is operated primarily for religious purposes, that is 14747
described in subsection 501(c)(3) and exempt from federal income 14748
taxation under subsection 501(a) of the Internal Revenue Code, 26 14749
U.S.C.A. 501; 14750

(y) Service performed by a person committed to a penal 14751
institution. 14752

(z) Service performed for an Indian tribe as described in 14753
division (B)(2)(1) of this section when performed in any of the 14754
following manners: 14755

(i) As a publicly elected official; 14756

(ii) As a member of an Indian tribal council; 14757

(iii) As a member of a legislative or judiciary body; 14758

(iv) In a position which, pursuant to Indian tribal law, is 14759
designated as a major nontenured policymaking or advisory 14760
position, or a policymaking or advisory position where the 14761
performance of the duties ordinarily does not require more than 14762
eight hours of time per week; 14763

(v) As an employee serving on a temporary basis in the case 14764
of a fire, storm, snow, earthquake, flood, or similar emergency. 14765

(aa) Service performed after December 31, 1971, for a 14766
nonprofit organization, this state or its instrumentalities, a 14767
political subdivision or its instrumentalities, or an Indian tribe 14768
as part of an unemployment work-relief or work-training program 14769
assisted or financed in whole or in part by any federal agency or 14770
an agency of a state or political subdivision, thereof, by an 14771

individual receiving the work-relief or work-training. 14772

(bb) Participation in a learn to earn program as defined in 14773
section 4141.293 of the Revised Code. 14774

(4) If the services performed during one half or more of any 14775
pay period by an employee for the person employing that employee 14776
constitute employment, all the services of such employee for such 14777
period shall be deemed to be employment; but if the services 14778
performed during more than one half of any such pay period by an 14779
employee for the person employing that employee do not constitute 14780
employment, then none of the services of such employee for such 14781
period shall be deemed to be employment. As used in division 14782
(B)(4) of this section, "pay period" means a period, of not more 14783
than thirty-one consecutive days, for which payment of 14784
remuneration is ordinarily made to the employee by the person 14785
employing that employee. Division (B)(4) of this section does not 14786
apply to services performed in a pay period by an employee for the 14787
person employing that employee, if any of such service is excepted 14788
by division (B)(3)(o) of this section. 14789

(C) "Benefits" means money payments payable to an individual 14790
who has established benefit rights, as provided in this chapter, 14791
for loss of remuneration due to the individual's unemployment. 14792

(D) "Benefit rights" means the weekly benefit amount and the 14793
maximum benefit amount that may become payable to an individual 14794
within the individual's benefit year as determined by the 14795
director. 14796

(E) "Claim for benefits" means a claim for waiting period or 14797
benefits for a designated week. 14798

(F) "Additional claim" means the first claim for benefits 14799
filed following any separation from employment during a benefit 14800
year; "continued claim" means any claim other than the first claim 14801
for benefits and other than an additional claim. 14802

(G)(1) "Wages" means remuneration paid to an employee by each 14803
of the employee's employers with respect to employment; except 14804
that wages shall not include that part of remuneration paid during 14805
any calendar year to an individual by an employer or such 14806
employer's predecessor in interest in the same business or 14807
enterprise, which in any calendar year is in excess of eight 14808
thousand two hundred fifty dollars on and after January 1, 1992; 14809
eight thousand five hundred dollars on and after January 1, 1993; 14810
eight thousand seven hundred fifty dollars on and after January 1, 14811
1994; and nine thousand dollars on and after January 1, 1995. 14812
Remuneration in excess of such amounts shall be deemed wages 14813
subject to contribution to the same extent that such remuneration 14814
is defined as wages under the "Federal Unemployment Tax Act," 84 14815
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 14816
remuneration paid an employee by an employer with respect to 14817
employment in another state, upon which contributions were 14818
required and paid by such employer under the unemployment 14819
compensation act of such other state, shall be included as a part 14820
of remuneration in computing the amount specified in this 14821
division. 14822

(2) Notwithstanding division (G)(1) of this section, if, as 14823
of the computation date for any calendar year, the director 14824
determines that the level of the unemployment compensation fund is 14825
sixty per cent or more below the minimum safe level as defined in 14826
section 4141.25 of the Revised Code, then, effective the first day 14827
of January of the following calendar year, wages subject to this 14828
chapter shall not include that part of remuneration paid during 14829
any calendar year to an individual by an employer or such 14830
employer's predecessor in interest in the same business or 14831
enterprise which is in excess of nine thousand dollars. The 14832
increase in the dollar amount of wages subject to this chapter 14833
under this division shall remain in effect from the date of the 14834
director's determination pursuant to division (G)(2) of this 14835

section and thereafter notwithstanding the fact that the level in 14836
the fund may subsequently become less than sixty per cent below 14837
the minimum safe level. 14838

(H)(1) "Remuneration" means all compensation for personal 14839
services, including commissions and bonuses and the cash value of 14840
all compensation in any medium other than cash, except that in the 14841
case of agricultural or domestic service, "remuneration" includes 14842
only cash remuneration. Gratuities customarily received by an 14843
individual in the course of the individual's employment from 14844
persons other than the individual's employer and which are 14845
accounted for by such individual to the individual's employer are 14846
taxable wages. 14847

The reasonable cash value of compensation paid in any medium 14848
other than cash shall be estimated and determined in accordance 14849
with rules prescribed by the director, provided that 14850
"remuneration" does not include: 14851

(a) Payments as provided in divisions (b)(2) to ~~(b)(16)~~(20) 14852
of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 14853
713, 26 U.S.C.A. 3301 to 3311, as amended; 14854

(b) The payment by an employer, without deduction from the 14855
remuneration of the individual in the employer's employ, of the 14856
tax imposed upon an individual in the employer's employ under 14857
section 3101 of the "Internal Revenue Code of 1954," with respect 14858
to services performed after October 1, 1941. 14859

(2) "Cash remuneration" means all remuneration paid in cash, 14860
including commissions and bonuses, but not including the cash 14861
value of all compensation in any medium other than cash. 14862

(I) "Interested party" means the director and any party to 14863
whom notice of a determination of an application for benefit 14864
rights or a claim for benefits is required to be given under 14865
section 4141.28 of the Revised Code. 14866

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.

(L)(1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with respect to such week no remuneration is payable to the individual.

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount.

(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director.

(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this

chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter.

(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar.

(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment.

(Q)(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q)(2) of this section.

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not available to the director from the regular quarterly reports of wage information, which are systematically accessible, the director may, consistent with the provisions of section 4141.28 of the Revised Code, base the determination of eligibility for benefits on the affidavit of the claimant with respect to weeks and wages for that calendar quarter. The claimant shall furnish

payroll documentation, where available, in support of the 14930
affidavit. The determination based upon the alternate base period 14931
as it relates to the claimant's benefit rights, shall be amended 14932
when the quarterly report of wage information from the employer is 14933
timely received and that information causes a change in the 14934
determination. As provided in division (B) of section 4141.28 of 14935
the Revised Code, any benefits paid and charged to an employer's 14936
account, based upon a claimant's affidavit, shall be adjusted 14937
effective as of the beginning of the claimant's benefit year. No 14938
calendar quarter in a base period or alternate base period shall 14939
be used to establish a subsequent benefit year. 14940

(3) The "base period" of a combined wage claim, as described 14941
in division (H) of section 4141.43 of the Revised Code, shall be 14942
the base period prescribed by the law of the state in which the 14943
claim is allowed. 14944

(4) For purposes of determining the weeks that comprise a 14945
completed calendar quarter under this division, only those weeks 14946
ending at midnight Saturday within the calendar quarter shall be 14947
utilized. 14948

(R)(1) "Benefit year" with respect to an individual means the 14949
fifty-two week period beginning with the first day of that week 14950
with respect to which the individual first files a valid 14951
application for determination of benefit rights, and thereafter 14952
the fifty-two week period beginning with the first day of that 14953
week with respect to which the individual next files a valid 14954
application for determination of benefit rights after the 14955
termination of the individual's last preceding benefit year, 14956
except that the application shall not be considered valid unless 14957
the individual has had employment in six weeks that is subject to 14958
this chapter or the unemployment compensation act of another 14959
state, or the United States, and has, since the beginning of the 14960
individual's previous benefit year, in the employment earned three 14961

times the average weekly wage determined for the previous benefit 14962
year. The "benefit year" of a combined wage claim, as described in 14963
division (H) of section 4141.43 of the Revised Code, shall be the 14964
benefit year prescribed by the law of the state in which the claim 14965
is allowed. Any application for determination of benefit rights 14966
made in accordance with section 4141.28 of the Revised Code is 14967
valid if the individual filing such application is unemployed, has 14968
been employed by an employer or employers subject to this chapter 14969
in at least twenty qualifying weeks within the individual's base 14970
period, and has earned or been paid remuneration at an average 14971
weekly wage of not less than twenty-seven and one-half per cent of 14972
the statewide average weekly wage for such weeks. For purposes of 14973
determining whether an individual has had sufficient employment 14974
since the beginning of the individual's previous benefit year to 14975
file a valid application, "employment" means the performance of 14976
services for which remuneration is payable. 14977

(2) Effective for benefit years beginning on and after 14978
December 26, 2004, any application for determination of benefit 14979
rights made in accordance with section 4141.28 of the Revised Code 14980
is valid if the individual satisfies the criteria described in 14981
division (R)(1) of this section, and if the reason for the 14982
individual's separation from employment is not disqualifying 14983
pursuant to division (D)(2) of section 4141.29 or section 4141.291 14984
of the Revised Code. A disqualification imposed pursuant to 14985
division (D)(2) of section 4141.29 or section 4141.291 of the 14986
Revised Code must be removed as provided in those sections as a 14987
requirement of establishing a valid application for benefit years 14988
beginning on and after December 26, 2004. 14989

(3) The statewide average weekly wage shall be calculated by 14990
the director once a year based on the twelve-month period ending 14991
the thirtieth day of June, as set forth in division (B)(3) of 14992
section 4141.30 of the Revised Code, rounded down to the nearest 14993

dollar. Increases or decreases in the amount of remuneration 14994
required to have been earned or paid in order for individuals to 14995
have filed valid applications shall become effective on Sunday of 14996
the calendar week in which the first day of January occurs that 14997
follows the twelve-month period ending the thirtieth day of June 14998
upon which the calculation of the statewide average weekly wage 14999
was based. 15000

(4) As used in this division, an individual is "unemployed" 15001
if, with respect to the calendar week in which such application is 15002
filed, the individual is "partially unemployed" or "totally 15003
unemployed" as defined in this section or if, prior to filing the 15004
application, the individual was separated from the individual's 15005
most recent work for any reason which terminated the individual's 15006
employee-employer relationship, or was laid off indefinitely or 15007
for a definite period of seven or more days. 15008

(S) "Calendar quarter" means the period of three consecutive 15009
calendar months ending on the thirty-first day of March, the 15010
thirtieth day of June, the thirtieth day of September, and the 15011
thirty-first day of December, or the equivalent thereof as the 15012
director prescribes by rule. 15013

(T) "Computation date" means the first day of the third 15014
calendar quarter of any calendar year. 15015

(U) "Contribution period" means the calendar year beginning 15016
on the first day of January of any year. 15017

(V) "Agricultural labor," for the purpose of this division, 15018
means any service performed prior to January 1, 1972, which was 15019
agricultural labor as defined in this division prior to that date, 15020
and service performed after December 31, 1971: 15021

(1) On a farm, in the employ of any person, in connection 15022
with cultivating the soil, or in connection with raising or 15023
harvesting any agricultural or horticultural commodity, including 15024

the raising, shearing, feeding, caring for, training, and 15025
management of livestock, bees, poultry, and fur-bearing animals 15026
and wildlife; 15027

(2) In the employ of the owner or tenant or other operator of 15028
a farm in connection with the operation, management, conservation, 15029
improvement, or maintenance of such farm and its tools and 15030
equipment, or in salvaging timber or clearing land of brush and 15031
other debris left by hurricane, if the major part of such service 15032
is performed on a farm; 15033

(3) In connection with the production or harvesting of any 15034
commodity defined as an agricultural commodity in section 15 (g) 15035
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 15036
U.S.C. 1141j, as amended, or in connection with the ginning of 15037
cotton, or in connection with the operation or maintenance of 15038
ditches, canals, reservoirs, or waterways, not owned or operated 15039
for profit, used exclusively for supplying and storing water for 15040
farming purposes; 15041

(4) In the employ of the operator of a farm in handling, 15042
planting, drying, packing, packaging, processing, freezing, 15043
grading, storing, or delivering to storage or to market or to a 15044
carrier for transportation to market, in its unmanufactured state, 15045
any agricultural or horticultural commodity, but only if the 15046
operator produced more than one half of the commodity with respect 15047
to which such service is performed; 15048

(5) In the employ of a group of operators of farms, or a 15049
cooperative organization of which the operators are members, in 15050
the performance of service described in division (V)(4) of this 15051
section, but only if the operators produced more than one-half of 15052
the commodity with respect to which the service is performed; 15053

(6) Divisions (V)(4) and (5) of this section shall not be 15054
deemed to be applicable with respect to service performed: 15055

(a) In connection with commercial canning or commercial	15056
freezing or in connection with any agricultural or horticultural	15057
commodity after its delivery to a terminal market for distribution	15058
for consumption; or	15059
(b) On a farm operated for profit if the service is not in	15060
the course of the employer's trade or business.	15061
As used in division (V) of this section, "farm" includes	15062
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms,	15063
plantations, ranches, nurseries, ranges, greenhouses, or other	15064
similar structures used primarily for the raising of agricultural	15065
or horticultural commodities and orchards.	15066
(W) "Hospital" means an institution which has been registered	15067
or licensed by the Ohio department of health as a hospital.	15068
(X) "Nonprofit organization" means an organization, or group	15069
of organizations, described in section 501(c)(3) of the "Internal	15070
Revenue Code of 1954," and exempt from income tax under section	15071
501(a) of that code.	15072
(Y) "Institution of higher education" means a public or	15073
nonprofit educational institution, including an educational	15074
institution operated by an Indian tribe, which:	15075
(1) Admits as regular students only individuals having a	15076
certificate of graduation from a high school, or the recognized	15077
equivalent;	15078
(2) Is legally authorized in this state or by the Indian	15079
tribe to provide a program of education beyond high school; and	15080
(3) Provides an educational program for which it awards a	15081
bachelor's or higher degree, or provides a program which is	15082
acceptable for full credit toward such a degree, a program of	15083
post-graduate or post-doctoral studies, or a program of training	15084
to prepare students for gainful employment in a recognized	15085

occupation. 15086

For the purposes of this division, all colleges and 15087
universities in this state are institutions of higher education. 15088

(Z) For the purposes of this chapter, "states" includes the 15089
District of Columbia, the Commonwealth of Puerto Rico, and the 15090
Virgin Islands. 15091

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 15092
this section, an individual who is an alien admitted to the United 15093
States to perform service in agricultural labor pursuant to 15094
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 15095
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 15096

(BB)(1) "Crew leader" means an individual who furnishes 15097
individuals to perform agricultural labor for any other employer 15098
or farm operator, and: 15099

(a) Pays, either on the individual's own behalf or on behalf 15100
of the other employer or farm operator, the individuals so 15101
furnished by the individual for the service in agricultural labor 15102
performed by them; 15103

(b) Has not entered into a written agreement with the other 15104
employer or farm operator under which the agricultural worker is 15105
designated as in the employ of the other employer or farm 15106
operator. 15107

(2) For the purposes of this chapter, any individual who is a 15108
member of a crew furnished by a crew leader to perform service in 15109
agricultural labor for any other employer or farm operator shall 15110
be treated as an employee of the crew leader if: 15111

(a) The crew leader holds a valid certificate of registration 15112
under the "Farm Labor Contractor Registration Act of 1963," 90 15113
Stat. 2668, 7 U.S.C. 2041; or 15114

(b) Substantially all the members of the crew operate or 15115

maintain tractors, mechanized harvesting or crop-dusting 15116
equipment, or any other mechanized equipment, which is provided by 15117
the crew leader; and 15118

(c) If the individual is not in the employment of the other 15119
employer or farm operator within the meaning of division (B)(1) of 15120
this section. 15121

(3) For the purposes of this division, any individual who is 15122
furnished by a crew leader to perform service in agricultural 15123
labor for any other employer or farm operator and who is not 15124
treated as in the employment of the crew leader under division 15125
(BB)(2) of this section shall be treated as the employee of the 15126
other employer or farm operator and not of the crew leader. The 15127
other employer or farm operator shall be treated as having paid 15128
cash remuneration to the individual in an amount equal to the 15129
amount of cash remuneration paid to the individual by the crew 15130
leader, either on the crew leader's own behalf or on behalf of the 15131
other employer or farm operator, for the service in agricultural 15132
labor performed for the other employer or farm operator. 15133

(CC) "Educational institution" means an institution other 15134
than an institution of higher education as defined in division (Y) 15135
of this section, including an educational institution operated by 15136
an Indian tribe, which: 15137

(1) Offers participants, trainees, or students an organized 15138
course of study or training designed to transfer to them 15139
knowledge, skills, information, doctrines, attitudes, or abilities 15140
from, by, or under the guidance of an instructor or teacher; and 15141

(2) Is approved, chartered, or issued a permit to operate as 15142
a school by the state board of education, other government agency, 15143
or Indian tribe that is authorized within the state to approve, 15144
charter, or issue a permit for the operation of a school. 15145

For the purposes of this division, the courses of study or 15146

training which the institution offers may be academic, technical, 15147
trade, or preparation for gainful employment in a recognized 15148
occupation. 15149

(DD) "Cost savings day" means any unpaid day off from work in 15150
which employees continue to accrue employee benefits which have a 15151
determinable value including, but not limited to, vacation, 15152
pension contribution, sick time, and life and health insurance. 15153

Sec. 4141.06. There is hereby created an unemployment 15154
compensation review commission consisting of three full-time 15155
members appointed by the governor, with the advice and consent of 15156
the senate. Terms of office shall be staggered and shall be for 15157
six years, commencing on the twenty-eighth day of February and 15158
ending on the twenty-seventh day of February. Each member shall 15159
hold office from the date of appointment until the end of the term 15160
for which the member was appointed. Any member appointed to fill a 15161
vacancy occurring prior to the expiration of the term for which 15162
the member's predecessor was appointed shall hold office for the 15163
remainder of such term. Any member shall continue in office 15164
subsequent to the expiration date of the member's term until the 15165
member's successor takes office, or until a period of sixty days 15166
has elapsed, whichever occurs first. The chairperson of the 15167
commission and each member shall be paid a salary fixed pursuant 15168
to section 124.14 of the Revised Code. The governor, at any time, 15169
may remove any member for inefficiency, neglect of duty, 15170
malfeasance, misfeasance, or nonfeasance in office. 15171

Not more than one of the appointees to the commission shall 15172
be a person who, on account of the appointee's previous vocation, 15173
employment, or affiliations, can be classed as a representative of 15174
employers, and not more than one of the appointees shall be a 15175
person who, on account of the appointee's previous vocation, 15176
employment, or affiliations, can be classed as a representative of 15177

employees. Not more than two of the members of the commission 15178
shall belong to the same political party. No member of the 15179
commission shall hold any ~~position~~ office of trust or profit or 15180
engage in any occupation or business interfering or inconsistent 15181
with the member's duties as a member and no member shall serve on 15182
any committee of any political party. The commission shall elect a 15183
chairperson and a vice-chairperson. The vice-chairperson shall 15184
exercise the powers of the chairperson in the chairperson's 15185
absence. 15186

No commission member shall participate in the disposition of 15187
any appeal in which the member has an interest in the controversy. 15188
Challenges to the interest of any commission member may be made by 15189
any interested party defined in division (I) of section 4141.01 of 15190
the Revised Code and shall be in writing. All challenges shall be 15191
decided by the chairperson of the advisory council, who, if the 15192
challenge is found to be well taken, shall advise the governor, 15193
who shall appoint a member of the advisory council representing 15194
the same affiliations to act and receive the same compensation for 15195
serving in place of such member. 15196

The commission may appoint a secretary to hold office at its 15197
pleasure. The secretary shall have such powers and shall perform 15198
such duties as the commission prescribes and shall keep a record 15199
of the proceedings of the commission and of its determinations. 15200
The secretary shall receive a salary fixed pursuant to section 15201
124.14 of the Revised Code. Notwithstanding division (A)(8) of 15202
section 124.11 of the Revised Code, each member of the commission 15203
may appoint a private secretary who shall be in the classified 15204
service of the state and hold office at the pleasure of such 15205
member. 15206

Two members of the commission constitute a quorum and no 15207
action of the commission is valid unless it has the concurrence of 15208
at least two members. A vacancy on the commission does not impair 15209

the right of a quorum to exercise all the rights and perform all 15210
the duties of the commission. 15211

The commission and its hearing officers shall hear appeals 15212
arising from determinations of the director of job and family 15213
services involving claims for compensation and other unemployment 15214
compensation issues. The commission shall adopt, amend, or rescind 15215
rules of procedure, and undertake such investigations, and take 15216
such action required for the hearing and disposition of appeals as 15217
it deems necessary and consistent with this chapter. The rules 15218
adopted by the commission shall be effective to the extent that 15219
the rules are consistent with this chapter. 15220

The commission, subject to Chapter 124. of the Revised Code, 15221
and with the approval of the governor, shall appoint such hearing 15222
officers as are necessary. The hearing officers shall be 15223
classified by the department of administrative services. Any 15224
promotions or increases in compensation of the hearing officers 15225
may be recommended by the commission subject to classifications 15226
which are made by the department of administrative services. The 15227
members of the commission and hearing officers may conduct 15228
hearings for unemployment compensation appeals coming before the 15229
commission. The members and hearing officers may exercise all 15230
powers provided by section 4141.17 of the Revised Code. 15231

The commission, subject to Chapter 124. of the Revised Code, 15232
may employ such support personnel as are needed to carry out the 15233
duties of the commission. The salaries of such employees are fixed 15234
pursuant to section 124.14 of the Revised Code. The commission 15235
shall further provide itself and its employees with such offices, 15236
equipment, and supplies as are necessary, using those already 15237
provided for the department of job and family services wherever 15238
possible. 15239

The commission shall have access to only the records of the 15240
department of job and family services that are necessary for the 15241

administration of this chapter and needed in the performance of 15242
its official duties. The commission shall have the right to 15243
request of the director necessary information from any work unit 15244
of the department having that information. 15245

The commission shall prepare and submit to the director an 15246
annual budget financing the costs necessary to administer its 15247
duties under this chapter. The fund request shall relate to, but 15248
not be limited to, the United States department of labor's 15249
allocations for the commission's functions. The director shall 15250
approve the commission's request unless funds are insufficient to 15251
finance the request. The director shall notify the commission of 15252
the amount of funds available for its operation, as soon as 15253
possible, but not later than thirty days after receiving the 15254
allocation from the United States department of labor. 15255

In the event that the director determines that sufficient 15256
funds are not available to approve the request as submitted and a 15257
revised budget is not agreed to within thirty days of the 15258
director's notification to the commission, the director of budget 15259
and management shall review and determine the funding levels for 15260
the commission and notify the commission and the director of the 15261
determination by the director of budget and management. 15262

As used in this section only, "office of trust or profit" 15263
means: 15264

(A) A federal or state elective office or an elected office 15265
of a political subdivision of the state; 15266

(B) A position on a board or commission of the state that is 15267
appointed by the governor; 15268

(C) An office set forth in section 121.03, 121.04, or 121.05 15269
of the Revised Code; 15270

(D) An office of the government of the United States that is 15271
appointed by the president of the United States. 15272

Sec. 4141.09. (A) There is hereby created an unemployment 15273
compensation fund to be administered by the state without 15274
liability on the part of the state beyond the amounts paid into 15275
the fund and earned by the fund. The unemployment compensation 15276
fund shall consist of all contributions, payments in lieu of 15277
contributions described in sections 4141.241 and 4141.242 of the 15278
Revised Code, reimbursements of the federal share of extended 15279
benefits described in section 4141.301 of the Revised Code, 15280
collected under sections 4141.01 to 4141.56 of the Revised Code, 15281
and the amount required under division (A)(4) of section 4141.35 15282
of the Revised Code, together with all interest earned upon any 15283
moneys deposited with the secretary of the treasury of the United 15284
States to the credit of the account of this state in the 15285
unemployment trust fund established and maintained pursuant to 15286
section 904 of the "Social Security Act," any property or 15287
securities acquired through the use of moneys belonging to the 15288
fund, and all earnings of such property or securities. The 15289
unemployment compensation fund shall be used to pay benefits, 15290
shared work compensation as defined in section 4141.50 of the 15291
Revised Code, and refunds as provided by such sections and for no 15292
other purpose. 15293

(B) The treasurer of state shall be the custodian of the 15294
unemployment compensation fund and shall administer such fund in 15295
accordance with the directions of the director of job and family 15296
services. All disbursements therefrom shall be paid by the 15297
treasurer of state on warrants drawn by the director. Such 15298
warrants may bear the facsimile signature of the director printed 15299
thereon and that of a deputy or other employee of the director 15300
charged with the duty of keeping the account of the unemployment 15301
compensation fund and with the preparation of warrants for the 15302
payment of benefits to the persons entitled thereto. Moneys in the 15303
clearing and benefit accounts shall not be commingled with other 15304

state funds, except as provided in division (C) of this section, 15305
but shall be maintained in separate accounts on the books of the 15306
depository bank. Such money shall be secured by the depository 15307
bank to the same extent and in the same manner as required by 15308
sections 135.01 to 135.21 of the Revised Code; and collateral 15309
pledged for this purpose shall be kept separate and distinct from 15310
any collateral pledged to secure other funds of this state. All 15311
sums recovered for losses sustained by the unemployment 15312
compensation fund shall be deposited therein. The treasurer of 15313
state shall be liable on the treasurer's official bond for the 15314
faithful performance of the treasurer's duties in connection with 15315
the unemployment compensation fund, such liability to exist in 15316
addition to any liability upon any separate bond. 15317

(C) The treasurer of state shall maintain within the 15318
unemployment compensation fund three separate accounts which shall 15319
be a clearing account, a trust fund account, and a benefit 15320
account. All moneys payable to the unemployment compensation fund, 15321
upon receipt by the director, shall be forwarded to the treasurer 15322
of state, who shall immediately deposit them in the clearing 15323
account. Refunds of contributions, or payments in lieu of 15324
contributions, payable pursuant to division (E) of this section 15325
may be paid from the clearing account upon warrants signed by a 15326
deputy or other employee of the director charged with the duty of 15327
keeping the record of the clearing account and with the 15328
preparation of warrants for the payment of refunds to persons 15329
entitled thereto. After clearance thereof, all moneys in the 15330
clearing account shall be deposited with the secretary of the 15331
treasury of the United States to the credit of the account of this 15332
state in the unemployment trust fund established and maintained 15333
pursuant to section 904 of the "Social Security Act," in 15334
accordance with requirements of the "Federal Unemployment Tax 15335
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 15336
in this state relating to the deposit, administration, release, or 15337

disbursement of moneys in the possession or custody of this state 15338
to the contrary notwithstanding. The benefit account shall consist 15339
of all moneys requisitioned from this state's account in the 15340
unemployment trust fund. Federal funds may be deposited, at the 15341
director's discretion, into the benefit account. Any funds 15342
deposited into the benefit account shall be disbursed solely for 15343
payment of benefits under a federal program administered by this 15344
state and for no other purpose. Moneys in the clearing and benefit 15345
accounts may be deposited by the treasurer of state, under the 15346
direction of the director, in any bank or public depository in 15347
which general funds of the state may be deposited, but no public 15348
deposit insurance charge or premium shall be paid out of the fund. 15349

(D) Moneys shall be requisitioned from this state's account 15350
in the unemployment trust fund solely for the payment of benefits 15351
and in accordance with regulations prescribed by the director. The 15352
director shall requisition from the unemployment trust fund such 15353
amounts, not exceeding the amount standing to this state's account 15354
therein, as are deemed necessary for the payment of benefits for a 15355
reasonable future period. Upon receipt thereof, the treasurer of 15356
state shall deposit such moneys in the benefit account. 15357
Expenditures of such money in the benefit account and refunds from 15358
the clearing account shall not require specific appropriations or 15359
other formal release by state officers of money in their custody. 15360
Any balance of moneys requisitioned from the unemployment trust 15361
fund which remains unclaimed or unpaid in the benefit account 15362
after the expiration of the period for which such sums were 15363
requisitioned shall either be deducted from estimates for and may 15364
be utilized for the payment of benefits during succeeding periods, 15365
or, in the discretion of the director, shall be redeposited with 15366
the secretary of the treasury of the United States to the credit 15367
of this state's account in the unemployment trust fund, as 15368
provided in division (C) of this section. Unclaimed or unpaid 15369
federal funds redeposited with the secretary of the treasury of 15370

the United States shall be credited to the appropriate federal 15371
account. 15372

(E) No claim for an adjustment or a refund on contribution, 15373
payment in lieu of contributions, interest, or forfeiture alleged 15374
to have been erroneously or illegally assessed or collected, or 15375
alleged to have been collected without authority, and no claim for 15376
an adjustment or a refund of any sum alleged to have been 15377
excessive or in any manner wrongfully collected shall be allowed 15378
unless an application, in writing, therefor is made within four 15379
years from the date on which such payment was made. If the 15380
director determines that such contribution, payment in lieu of 15381
contributions, interest, or forfeiture, or any portion thereof, 15382
was erroneously collected, the director shall allow such employer 15383
to make an adjustment thereof without interest in connection with 15384
subsequent contribution payments, or payments in lieu of 15385
contributions, by the employer, or the director may refund said 15386
amount, without interest, from the clearing account of the 15387
unemployment compensation fund, except as provided in division (B) 15388
of section 4141.11 of the Revised Code. For like cause and within 15389
the same period, adjustment or refund may be so made on the 15390
director's own initiative. An overpayment of contribution, payment 15391
in lieu of contributions, interest, or forfeiture for which an 15392
employer has not made application for refund prior to the date of 15393
sale of the employer's business shall accrue to the employer's 15394
successor in interest. 15395

An application for an adjustment or a refund, or any portion 15396
thereof, that is rejected is binding upon the employer unless, 15397
within thirty days after the mailing of a written notice of 15398
rejection to the employer's last known address, or, in the absence 15399
of mailing of such notice, within thirty days after the delivery 15400
of such notice, the employer files an application for a review and 15401
redetermination setting forth the reasons therefor. The director 15402

shall promptly examine the application for review and 15403
redetermination, and if a review is granted, the employer shall be 15404
promptly notified thereof, and shall be granted an opportunity for 15405
a prompt hearing. 15406

(F) If the director finds that contributions have been paid 15407
to the director in error, and that such contributions should have 15408
been paid to a department of another state or of the United States 15409
charged with the administration of an unemployment compensation 15410
law, the director may upon request by such department or upon the 15411
director's own initiative transfer to such department the amount 15412
of such contributions, less any benefits paid to claimants whose 15413
wages were the basis for such contributions. The director may 15414
request and receive from such department any contributions or 15415
adjusted contributions paid in error to such department which 15416
should have been paid to the director. 15417

(G) In accordance with section 303(c)(3) of the Social 15418
Security Act, and section 3304(a)(17) of the Internal Revenue Code 15419
of 1954 for continuing certification of Ohio unemployment 15420
compensation laws for administrative grants and for tax credits, 15421
any interest required to be paid on advances under Title XII of 15422
the Social Security Act shall be paid in a timely manner and shall 15423
not be paid, directly or indirectly, by an equivalent reduction in 15424
the Ohio unemployment taxes or otherwise, by the state from 15425
amounts in the unemployment compensation fund. 15426

(H) The treasurer of state, under the direction of the 15427
director and in accordance with the "Cash Management Improvement 15428
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 15429
amounts of interest earned by the state on funds in the benefit 15430
account established pursuant to division (C) of this section into 15431
~~the department of job and family services banking fees fund, which~~ 15432
~~is hereby created in the state treasury for the purpose of paying~~ 15433
~~related banking costs incurred by the state for the period for~~ 15434

~~which the interest is calculated, except that if the deposited~~ 15435
~~interest exceeds the banking costs incurred by the state for the~~ 15436
~~period for which the interest is calculated, the treasurer of~~ 15437
~~state shall deposit the excess interest into the unemployment~~ 15438
trust fund. 15439

(I) The treasurer of state, under the direction of the 15440
director, shall deposit federal funds received by the director for 15441
training and administration and for payment of benefits, job 15442
search, relocation, transportation, and subsistence allowances 15443
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 15444
2101, as amended; the "North American Free Trade Agreement 15445
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 15446
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 15447
3801, as amended, into the Trade Act training and administration 15448
account, which is hereby created for the purpose of making 15449
payments specified under those acts. The treasurer of state, under 15450
the direction of the director, may transfer funds from the Trade 15451
Act training and administration account to the benefit account for 15452
the purpose of making any payments directly to claimants for 15453
benefits, job search, relocation, transportation, and subsistence 15454
allowances, as specified by those acts. 15455

Sec. 4141.11. There is hereby created in the state treasury 15456
the unemployment compensation special administrative fund. The 15457
fund shall consist of all interest collected on delinquent 15458
contributions pursuant to this chapter, all fines and forfeitures 15459
collected under this chapter, all money received from the sale of 15460
real property under section 4141.131 of the Revised Code, the 15461
amount required under division (A)(4) of section 4141.35 of the 15462
Revised Code, and all court costs and interest paid or collected 15463
in connection with the repayment of fraudulently obtained benefits 15464
pursuant to section 4141.35 of the Revised Code. All interest 15465
earned on the money in the fund shall be retained in the fund and 15466

shall not be credited or transferred to any other fund or account, 15467
except as provided in division (B) of this section. All moneys 15468
which are deposited or paid into this fund may be used by: 15469

(A) The director of job and family services whenever it 15470
appears that such use is necessary for: 15471

(1) The proper administration of this chapter and no federal 15472
funds are available for the specific purpose for which the 15473
expenditure is to be made, provided the moneys are not substituted 15474
for appropriations from federal funds, which in the absence of 15475
such moneys would be available; 15476

(2) The proper administration of this chapter for which 15477
purpose appropriations from federal funds have been requested and 15478
approved but not received, provided the fund would be reimbursed 15479
upon receipt of the federal appropriation; 15480

(3) To the extent possible, the repayment to the unemployment 15481
compensation administration fund of moneys found by the proper 15482
agency of the United States to have been lost or expended for 15483
purposes other than, or an amount in excess of, those found 15484
necessary by the proper agency of the United States for the 15485
administration of this chapter. 15486

(B) The director or the director's deputy whenever it appears 15487
that such use is necessary for the payment of refunds or 15488
adjustments of interest, fines, forfeitures, or court costs 15489
erroneously collected and paid into this fund pursuant to this 15490
chapter. 15491

(C) The director, to pay state disaster unemployment benefits 15492
pursuant to section 4141.292 of the Revised Code. 15493

(D) The director, to pay any costs attributable to the 15494
director that are associated with the sale of real property under 15495
section 4141.131 of the Revised Code. 15496

Whenever the balance in the unemployment compensation special 15497
administrative fund is considered to be excessive by the director, 15498
the director shall request the director of budget and management 15499
to transfer to the unemployment compensation fund the amount 15500
considered to be excessive. Any balance in the unemployment 15501
compensation special administrative fund shall not lapse at any 15502
time, but shall be continuously available to the director of job 15503
and family services for expenditures consistent with this chapter. 15504

Sec. 4141.131. (A) The director of job and family services 15505
may enter into contracts for the sale of real property no longer 15506
needed by the director for the operations of the director under 15507
this title. Any costs attributable to the director that are 15508
associated with the sale of real property under this section shall 15509
be paid out of the unemployment compensation special 15510
administrative fund established pursuant to section 4141.11 of the 15511
Revised Code. The director shall submit a report summarizing the 15512
use of that fund for the purpose of this section at least annually 15513
to the unemployment compensation advisory council as prescribed by 15514
the council. 15515

~~(B)(1) Earnest moneys from the sale of real property pursuant 15516
to division (A) of this section shall be deposited into the 15517
department of job and family services building consolidation fund, 15518
which is hereby created in the state treasury. The balance of the 15519
purchase price shall be deposited into the department of job and 15520
family services building enhancement fund, which is hereby created 15521
in the state treasury. The building enhancement fund shall retain 15522
its own interest. Upon completion of the sale and the request of 15523
the director, the treasurer of state shall transfer the earnest 15524
moneys in the building consolidation fund into the building 15525
enhancement fund. The director shall use the interest earned on 15526
the moneys in the building enhancement fund only in accordance 15527
with division (C) of this section. 15528~~

~~(2) The director shall deposit sufficient moneys from the sale of real property pursuant to division (A) of this section into the unemployment compensation special administrative fund to reimburse the fund for all costs associated with the sale of that real property.~~ 15529
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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.~~ 15534
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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.~~ 15545
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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. 15555
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Sec. 4141.20. (A) Every employer, including those not otherwise subject to this chapter, shall furnish the director of 15558
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job and family services upon request all information required by 15560
the director to carry out the requirements of this chapter. Every 15561
employer receiving from the director any blank with direction to 15562
fill it out shall cause it to be properly filled out, in the 15563
manner prescribed by the director, so as to answer fully and 15564
correctly all questions therein propounded, and shall furnish all 15565
the information therein sought, or, if unable to do so, that 15566
employer shall give the director in writing good and sufficient 15567
reason for such failure. 15568

The director may require that such information be verified 15569
under oath and returned to the director within the period fixed by 15570
the director or by law. The director or any person employed by the 15571
director for that purpose may examine under oath any such 15572
employer, or the officer, agent, or employee of that employer, for 15573
the purpose of ascertaining any information that the employer is 15574
required by this chapter to furnish to the director. ~~Any employer~~ 15575
~~who fails to furnish information as is required by the director~~ 15576
~~under authority of this section shall forfeit five hundred dollars~~ 15577
~~to be collected in a civil action brought against the employer in~~ 15578
~~the name of the state.~~ 15579

(B) ~~Effective with the calendar quarter beginning April 1,~~ 15580
~~1987, every contributory employer shall file a quarterly~~ 15581
~~contribution report and a quarterly report of wages. The quarterly~~ 15582
~~reports shall be filed no later than the last day of the first~~ 15583
~~month following the close of the calendar quarter for which the~~ 15584
~~quarterly reports are being filed. The employer shall enter on the~~ 15585
~~quarterly contribution report the total and taxable remuneration~~ 15586
~~paid to all employees during the quarter. The employer shall enter~~ 15587
~~on the quarterly report of wages the name and social security~~ 15588
~~number of each individual employed during the calendar quarter,~~ 15589
~~the total remuneration paid the individual, the number of weeks~~ 15590
~~during the quarter for which the individual was paid remuneration,~~ 15591

~~and any other information as required by section 1137 of the "Social Security Act."~~ 15592
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~~Effective until the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly contribution report or the report of wages containing all the required contribution and wage information within the time prescribed by this section, there shall be assessed a forfeiture amounting to ten per cent of the contributions due; provided such forfeiture shall not be less than twenty five nor more than two hundred fifty dollars. The director may waive the forfeiture only with respect to the report of wages, and the waiver may be approved only if the employer shows good cause for failure to file the required information.~~ 15594
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~~Effective with the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly contribution report containing all the required information within the time prescribed by this section, there shall be assessed a forfeiture amounting to twenty five one hundredths of one per cent of the total remuneration paid by the employer, provided such forfeiture shall not be less than thirty nor more than five hundred dollars per quarterly contribution report. The director may waive the forfeiture only if the employer provides to the director a written statement showing good cause for failure to file the required quarterly contribution report.~~ 15604
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~~Effective with the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly report of wages containing all the required information within the time prescribed by this section, there shall be assessed a forfeiture amounting to twenty five one hundredths of one per cent of the total remuneration paid by the employer, provided such forfeiture shall be not less than thirty nor more than five hundred dollars per quarterly report of wages. The director may waive the forfeiture only if the employer provides to the director a written statement~~ 15615
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~~showing good cause for failure to file the required quarterly
report of wages.~~ 15624
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~~(C) Effective with the calendar quarter beginning April 1,
1987, every employer liable for payments in lieu of contributions
shall file a quarterly payroll report and a quarterly report of
wages. The employer shall file the quarterly reports no later than
the last day of the first month following the close of the
calendar quarter for which the quarterly reports are being filed.
The employer shall enter on the quarterly payroll report the total
remuneration paid to all employees during the quarter and the
total wages that would have been taxable had the employer been
subject to contributions. The employer shall enter on the
quarterly report of wages the name and social security number of
each individual employed during the calendar quarter, the total
remuneration paid the individual, the number of weeks during the
quarter for which the individual was paid remuneration, and any
other information as required by section 1137 of the "Social
Security Act."~~ 15626
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~~Effective until the calendar quarter beginning January 1,
1993, in case of failure to file the quarterly payroll report or
the report of wages containing all of the required payroll or wage
information within the time prescribed by this section, the
employer shall be assessed a forfeiture of twenty five dollars per
report. The director may waive the forfeiture only with respect to
the report of wages, and such waiver may be approved only if the
employer shows good cause for failure to file the required
information.~~ 15642
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~~Effective with the calendar quarter beginning January 1,
1993, in case of failure to file the quarterly payroll report
containing all the required wage information within the time
prescribed by this section, the employer shall be assessed a
forfeiture amounting to twenty five one hundredths of one per cent~~ 15651
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~~of the total remuneration paid by the employer, provided such 15656
forfeiture shall not be less than thirty nor more than five 15657
hundred dollars per quarterly payroll report. The director may 15658
waive the forfeiture only if the employer provides to the director 15659
a written statement showing good cause for failure to file the 15660
required quarterly payroll report. 15661~~

~~Effective with the calendar quarter beginning January 1, 15662
1993, in case of failure to file the quarterly report of wages 15663
containing all the required information within the time prescribed 15664
by this section, there shall be assessed a forfeiture amounting to 15665
twenty five one hundredths of one per cent of the total 15666
remuneration paid by the employer, provided such forfeiture shall 15667
be not less than thirty nor more than five hundred dollars per 15668
quarterly report of wages. The director may waive the forfeiture 15669
only if the employer provides to the director a written statement 15670
showing good cause for failure to file the required quarterly 15671
report of wages. 15672~~

~~(D) Effective with the calendar quarter beginning January 1, 15673
2002, every Every contributory employer shall file a quarterly 15674
contribution and wage report. The quarterly report shall be filed 15675
not later than the last day of the first month following the close 15676
of the calendar quarter for which the quarterly report is being 15677
filed. The employer shall enter on the quarterly report the total 15678
and taxable remuneration paid to all employees during the quarter, 15679
the name and social security number of each individual employed 15680
during the calendar quarter, the total remuneration paid the 15681
individual, the number of weeks during the quarter for which the 15682
individual was paid remuneration, and any other information as 15683
required by section 1137 of the "Social Security Act." 15684~~

~~Effective with the calendar quarter beginning January 1, 15685
2002, in In case of failure to properly file the quarterly 15686
contribution and wage report containing all the required 15687~~

contribution and wage information within the time prescribed by 15688
this section, the director shall assess a forfeiture amounting to 15689
twenty-five one-hundredths of one per cent of the total 15690
remuneration reported by the employer, provided such forfeiture 15691
shall not be less than fifty nor more than one thousand dollars. 15692

~~(E) Effective with the calendar quarter beginning January 1,~~ 15693
~~2002, every~~ (C) Every employer liable for payments in lieu of 15694
contributions shall file a quarterly payroll and wage report. The 15695
quarterly report shall be filed not later than the last day of the 15696
first month following the close of the calendar quarter for which 15697
the quarterly report is being filed. The employer shall enter on 15698
the quarterly report the total remuneration paid to all employees 15699
during the quarter, the total wages that would have been taxable 15700
had the employer been subject to contributions, the name and 15701
social security number of each individual employed during the 15702
calendar quarter, the total remuneration paid the individual, the 15703
number of weeks during the quarter for which the individual was 15704
paid remuneration, and any other information as required by 15705
section 1137 of the "Social Security Act." 15706

~~Effective with the calendar quarter beginning January 1,~~ 15707
~~2002, in~~ In case of failure to properly file the quarterly payroll 15708
and wage report containing all the required payroll and wage 15709
information within the time prescribed by this section, the 15710
director shall assess a forfeiture amounting to twenty-five 15711
one-hundredths of one per cent of the total remuneration reported 15712
by the employer, provided such forfeiture shall not be less than 15713
fifty nor more than one thousand dollars. 15714

~~(F)~~(D) The director may waive a forfeiture assessed under 15715
division ~~(D)~~(B) or ~~(E)~~(C) of this section if the employer provides 15716
to the director, within four years after the date the forfeiture 15717
was assessed, a written statement showing good cause for failure 15718
to properly file the required information. 15719

~~(G)~~(E) The director shall furnish the form or forms on which 15720
quarterly reports required under this section are to be submitted, 15721
or the employer may use other methods of reporting, including 15722
electronic information transmission methods, as approved by the 15723
director. 15724

~~(H)~~(F) All forfeitures required by this section shall be paid 15725
into the unemployment compensation special administrative fund as 15726
provided in section 4141.11 of the Revised Code. 15727

Sec. 4141.25. (A) The director of job and family services 15728
shall determine as of each computation date the contribution rate 15729
of each contributing employer subject to this chapter for the next 15730
succeeding contribution period. The director shall determine a 15731
standard rate of contribution or an experience rate for each 15732
contributing employer. Once a rate of contribution has been 15733
established under this section for a contribution period, except 15734
as provided in division (D) of section 4141.26 of the Revised 15735
Code, that rate shall remain effective throughout such 15736
contribution period. The rate of contribution shall be determined 15737
in accordance with the following requirements: 15738

(1) An employer whose experience does not meet the terms of 15739
division (A)(2) of this section shall be assigned a standard rate 15740
of contribution. Effective for contribution periods beginning on 15741
and after January 1, 1998, an employer's standard rate of 15742
contribution shall be a rate of two and seven-tenths per cent, 15743
except that the rate for employers engaged in the construction 15744
industry shall be the average contribution rate computed for the 15745
construction industry or a rate of two and seven-tenths per cent, 15746
whichever is greater. The standard rate set forth in this division 15747
shall be applicable to a nonprofit organization whose election to 15748
make payments in lieu of contributions is voluntarily terminated 15749
or canceled by the director under section 4141.241 of the Revised 15750

Code, and thereafter pays contributions as required by this 15751
section. If such nonprofit organization had been a contributory 15752
employer prior to its election to make payments in lieu of 15753
contributions, then any prior balance in the contributory account 15754
shall become part of the reactivated account. 15755

As used in division (A) of this section, "the average 15756
contribution rate computed for the construction industry" means 15757
the most recent annual average rate attributable to the 15758
construction industry as prescribed by the director. 15759

(2) A contributing employer subject to this chapter shall 15760
qualify for an experience rate only if there have been four 15761
consecutive quarters, ending on the thirtieth day of June 15762
immediately prior to the computation date, throughout which the 15763
employer's account was chargeable with benefits. Upon meeting the 15764
qualifying requirements provided in division (A)(2) of this 15765
section, the director shall calculate the total credits to each 15766
employer's account consisting of the contributions other than 15767
mutualized contributions including all contributions paid prior to 15768
the computation date for all past periods plus: 15769

(a) The contributions owing on the computation date that are 15770
paid within thirty days after the computation date, and credited 15771
to the employer's account; 15772

(b) All voluntary contributions paid by an employer pursuant 15773
to division (B) of section 4141.24 of the Revised Code. 15774

(3) The director also shall determine the benefits which are 15775
chargeable to each employer's account and which were paid prior to 15776
the computation date with respect to weeks of unemployment ending 15777
prior to the computation date. The director then shall determine 15778
the positive or negative balance of each employer's account by 15779
calculating the excess of such contributions and interest over the 15780
benefits chargeable, or the excess of such benefits over such 15781

contributions and interest. Any resulting negative balance then 15782
shall be subject to adjustment as provided in division (A)(2) of 15783
section 4141.24 of the Revised Code after which the positive or 15784
negative balance shall be expressed in terms of a percentage of 15785
the employer's average annual payroll. If the total standing to 15786
the credit of an employer's account exceeds the total charges, as 15787
provided in this division, the employer has a positive balance and 15788
if such charges exceed such credits the employer has a negative 15789
balance. Each employer's contribution rate shall then be 15790
determined in accordance with the following schedule: 15791

Contribution Rate Schedule 15792

If, as of the computation date	The employer's	
the contribution rate balance of	contribution rate for	
an employer's account as a	the next succeeding	
percentage of the employer's	contribution period	
average annual payroll is	shall be	
(a) A negative balance of:		15798
20.0% or more	6.5%	15799
19.0% but less than 20.0%	6.4%	15800
17.0% but less than 19.0%	6.3%	15801
15.0% but less than 17.0%	6.2%	15802
13.0% but less than 15.0%	6.1%	15803
11.0% but less than 13.0%	6.0%	15804
9.0% but less than 11.0%	5.9%	15805
5.0% but less than 9.0%	5.7%	15806
4.0% but less than 5.0%	5.5%	15807
3.0% but less than 4.0%	5.3%	15808
2.0% but less than 3.0%	5.1%	15809
1.0% but less than 2.0%	4.9%	15810
more than 0.0% but less than	4.8%	15811
1.0%		
(b) A 0.0% or a positive		15812
balance of less than 1.0%	4.7%	15813

(c) A positive balance of:		15814
1.0% or more, but less than 1.5%	4.6%	15815
1.5% or more, but less than 2.0%	4.5%	15816
2.0% or more, but less than 2.5%	4.3%	15817
2.5% or more, but less than 3.0%	4.0%	15818
3.0% or more, but less than 3.5%	3.8%	15819
3.5% or more, but less than 4.0%	3.5%	15820
4.0% or more, but less than 4.5%	3.3%	15821
4.5% or more, but less than 5.0%	3.0%	15822
5.0% or more, but less than 5.5%	2.8%	15823
5.5% or more, but less than 6.0%	2.5%	15824
6.0% or more, but less than 6.5%	2.2%	15825
6.5% or more, but less than 7.0%	2.0%	15826
7.0% or more, but less than 7.5%	1.8%	15827
7.5% or more, but less than 8.0%	1.6%	15828
8.0% or more, but less than 8.5%	1.4%	15829
8.5% or more, but less than 9.0%	1.3%	15830
9.0% or more, but less than 9.5%	1.1%	15831
9.5% or more, but less than 10.0%	1.0%	15832
10.0% or more, but less than 10.5%	.9%	15833
10.5% or more, but less than 11.0%	.7%	15834
11.0% or more, but less than 11.5%	.6%	15835
11.5% or more, but less than 12.0%	.5%	15836
12.0% or more, but less than 12.5%	.4%	15837
12.5% or more, but less than 13.0%	.3%	15838
13.0% or more, but less than	.2%	15839

14.0%

14.0% or more .1% 15840

(d) The contribution rates shall be as specified in divisions 15841
(a), (b), and (c) of the contribution rate schedule except that 15842
notwithstanding the amendments made to division (a) of the 15843
contribution rate schedule in this section, if, as of the 15844
computation date: for 1991, the negative balance is 5.0% or more, 15845
the contribution rate shall be 5.7%; for 1992, if the negative 15846
balance is 11.0% or more, the contribution rate shall be 6.0%; and 15847
for 1993, if the negative balance is 17.0% or more, the 15848
contribution rate shall be 6.3%. Thereafter, the contribution 15849
rates shall be as specified in the contribution rate schedule. 15850

(B)(1) The director shall establish and maintain a separate 15851
account to be known as the "mutualized account." As of each 15852
computation date there shall be charged to this account: 15853

(a) As provided in division (A)(2) of section 4141.24 of the 15854
Revised Code, an amount equal to the sum of that portion of the 15855
negative balances of employer accounts which exceeds the 15856
applicable limitations as such balances are computed under 15857
division (A) of this section as of such date; 15858

(b) An amount equal to the sum of the negative balances 15859
remaining in employer accounts which have been closed during the 15860
year immediately preceding such computation date pursuant to 15861
division (E) of section 4141.24 of the Revised Code; 15862

(c) An amount equal to the sum of all benefits improperly 15863
paid preceding such computation date which are not recovered but 15864
which are not charged to an employer's account, or which after 15865
being charged, are credited back to an employer's account; 15866

(d) An amount equal to the sum of any other benefits paid 15867
preceding such computation date which, under this chapter, are not 15868
chargeable to an employer's account; 15869

(e) An amount equal to the sum of any refunds made during the 15870
year immediately preceding such computation date of erroneously 15871
collected mutualized contributions required by this division which 15872
were previously credited to this account; 15873

(f) An amount equal to the sum of any repayments made to the 15874
federal government during the year immediately preceding such 15875
computation date of amounts which may have been advanced by it to 15876
the unemployment compensation fund under section 1201 of the 15877
"Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301; 15878

(g) Any amounts appropriated by the general assembly out of 15879
funds paid by the federal government, under section 903 of the 15880
"Social Security Act," to the account of this state in the federal 15881
unemployment trust fund. 15882

(2) As of every computation date there shall be credited to 15883
the mutualized account provided for in this division: 15884

(a) The proceeds of the mutualized contributions as provided 15885
in this division; 15886

(b) Any positive balances remaining in employer accounts 15887
which are closed as provided in division (E) of section 4141.24 of 15888
the Revised Code; 15889

(c) Any benefits improperly paid which are recovered but 15890
which cannot be credited to an employer's account; 15891

(d) All amounts which may be paid by the federal government 15892
under section 903 of the "Social Security Act" to the account of 15893
this state in the federal unemployment trust fund; 15894

(e) Amounts advanced by the federal government to the account 15895
of this state in the federal unemployment trust fund under section 15896
1201 of the "Social Security Act" to the extent such advances have 15897
been repaid to or recovered by the federal government; 15898

(f) Interest credited to the Ohio unemployment trust fund as 15899

deposited with the secretary of the treasury of the United States; 15900

(g) Amounts deposited into the unemployment compensation fund 15901
for penalties collected pursuant to division (A)(4) of section 15902
4141.35 of the Revised Code. 15903

(3) Annually, as of the computation date, the director shall 15904
determine the total credits and charges made to the mutualized 15905
account during the preceding twelve months and the overall 15906
condition of the account. The director shall issue an annual 15907
statement containing this information and such other information 15908
as the director deems pertinent, including a report that the sum 15909
of the balances in the mutualized account, employers' accounts, 15910
and any subsidiary accounts equal the balance in the state's 15911
unemployment trust fund maintained under section 904 of the 15912
"Social Security Act." 15913

(4) As used in this division: 15914

(a) "Fund as of the computation date" means as of any 15915
computation date, the aggregate amount of the unemployment 15916
compensation fund, including all contributions owing on the 15917
computation date that are paid within thirty days thereafter, all 15918
payments in lieu of contributions that are paid within sixty days 15919
after the computation date, all reimbursements of the federal 15920
share of extended benefits described in section 4141.301 of the 15921
Revised Code that are owing on the computation date, and all 15922
interest earned by the fund and received on or before the 15923
computation date from the federal government. 15924

(b) "Minimum safe level" means an amount equal to two 15925
standard deviations above the average of the adjusted annual 15926
average unemployment compensation benefit payment from 1970 to the 15927
most recent calendar year prior to the computation date, as 15928
determined by the director pursuant to division (B)(4)(b) of this 15929
section. To determine the adjusted annual payment of unemployment 15930

compensation benefits, the director first shall multiply the 15931
number of weeks compensated during each calendar year beginning 15932
with 1970 by the most recent annual average weekly unemployment 15933
compensation benefit payment and then compute the average and 15934
standard deviation of the resultant products. 15935

(c) "Annual average weekly unemployment compensation benefit 15936
payment" means the amount resulting from dividing the unemployment 15937
compensation benefits paid from the benefit account maintained 15938
within the unemployment compensation fund pursuant to section 15939
4141.09 of the Revised Code, by the number of weeks compensated 15940
during the same time period. 15941

(5) If, as of any computation date, the charges to the 15942
mutualized account during the entire period subsequent to the 15943
computation date, July 1, 1966, made in accordance with division 15944
(B)(1) of this section, exceed the credits to such account 15945
including mutualized contributions during such period, made in 15946
accordance with division (B)(2) of this section, the amount of 15947
such excess charges shall be recovered during the next 15948
contribution period. To recover such amount, the director shall 15949
compute the percentage ratio of such excess charges to the average 15950
annual payroll of all employers eligible for an experience rate 15951
under division (A) of this section. The percentage so determined 15952
shall be computed to the nearest tenth of one per cent and shall 15953
be an additional contribution rate to be applied to the wages paid 15954
by each employer whose rate is computed under the provisions of 15955
division (A) of this section in the contribution period next 15956
following such computation date, but such percentage shall not 15957
exceed five-tenths of one per cent; however, when there are any 15958
excess charges in the mutualized account, as computed in this 15959
division, then the mutualized contribution rate shall not be less 15960
than one-tenth of one per cent. 15961

(6) If the fund as of the computation date is above or below 15962

minimum safe level, the contribution rates provided for in each 15963
classification in division (A)(3) of this section for the next 15964
contribution period shall be adjusted as follows: 15965

(a) If the fund is thirty per cent or more above minimum safe 15966
level, the contribution rates provided in division (A)(3) of this 15967
section shall be decreased two-tenths of one per cent. 15968

(b) If the fund is more than fifteen per cent but less than 15969
thirty per cent above minimum safe level, the contribution rates 15970
provided in division (A)(3) of this section shall be decreased 15971
one-tenth of one per cent. 15972

(c) If the fund is more than fifteen per cent but less than 15973
thirty per cent below minimum safe level, the contribution rates 15974
of all employers shall be increased twenty-five one-thousandths of 15975
one per cent plus a per cent increase calculated and rounded 15976
pursuant to division (B)(6)(g) of this section. 15977

(d) If the fund is more than thirty per cent but less than 15978
forty-five per cent below minimum safe level, the contribution 15979
rates of all employers shall be increased seventy-five 15980
one-thousandths of one per cent plus a per cent increase 15981
calculated and rounded pursuant to division (B)(6)(g) of this 15982
section. 15983

(e) If the fund is more than forty-five per cent but less 15984
than sixty per cent below minimum safe level, the contribution 15985
rates of all employers shall be increased one-eighth of one per 15986
cent plus a per cent increase calculated and rounded pursuant to 15987
division (B)(6)(g) of this section. 15988

(f) If the fund is sixty per cent or more below minimum safe 15989
level, the contribution rates of all employers shall be increased 15990
two-tenths of one per cent plus a per cent increase calculated and 15991
rounded pursuant to division (B)(6)(g) of this section. 15992

(g) The additional per cent increase in contribution rates 15993

required by divisions (B)(6)(c), (d), (e), and (f) of this section 15994
that is payable by each individual employer shall be calculated in 15995
the following manner. The flat rate increase required by a 15996
particular division shall be multiplied by three and the product 15997
divided by the average experienced-rated contribution rate for all 15998
employers as determined by the director for the most recent 15999
calendar year. The resulting quotient shall be multiplied by an 16000
individual employer's contribution rate determined pursuant to 16001
division (A)(3) of this section. The resulting product shall be 16002
rounded to the nearest tenth of one per cent, added to the flat 16003
rate increase required by division (B)(6)(c), (d), (e), or (f) of 16004
this section, as appropriate, and the total shall be rounded to 16005
the nearest tenth of one per cent. As used in division (B)(6)(g) 16006
of this section, the "average experienced-rated contribution rate" 16007
means the most recent annual average contribution rate reported by 16008
the director contained in report RS 203.2 less the mutualized and 16009
minimum safe level contribution rates included in such rate. 16010

(h) If any of the increased contribution rates of division 16011
(B)(6)(c), (d), (e), or (f) of this section are imposed, the rate 16012
shall remain in effect for the calendar year in which it is 16013
imposed and for each calendar year thereafter until the director 16014
determines as of the computation date for calendar year 1991 and 16015
as of the computation date for any calendar year thereafter 16016
pursuant to this section, that the level of the unemployment 16017
compensation fund equals or exceeds the minimum safe level as 16018
defined in division (B)(4)(b) of this section. Nothing in division 16019
(B)(6)(h) of this section shall be construed as restricting the 16020
imposition of the increased contribution rates provided in 16021
divisions (B)(6)(c), (d), (e), and (f) of this section if the fund 16022
falls below the percentage of the minimum safe level as specified 16023
in those divisions. 16024

(7) The additional contributions required by division (B)(5) 16025

of this section shall be credited to the mutualized account. The 16026
additional contributions required by division (B)(6) of this 16027
section shall be credited fifty per cent to individual employer 16028
accounts and fifty per cent to the mutualized account. 16029

(C) If an employer makes a payment of contributions which is 16030
less than the full amount required by this section and sections 16031
4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and 16032
4141.27 of the Revised Code, such partial payment shall be applied 16033
first against the mutualized contributions required under this 16034
chapter. Any remaining partial payment shall be credited to the 16035
employer's individual account. 16036

(D) Whenever there are any increases in contributions 16037
resulting from an increase in wages subject to contributions as 16038
defined in division (G) of section 4141.01 of the Revised Code, or 16039
from an increase in the mutualized rate of contributions provided 16040
in division (B) of this section, or from a revision of the 16041
contribution rate schedule provided in division (A) of this 16042
section, except for that portion of the increase attributable to a 16043
change in the positive or negative balance in an employer's 16044
account, which increases become effective after a contract for the 16045
construction of real property, as defined in section 5701.02 of 16046
the Revised Code, has been entered into, the contractee upon 16047
written notice by a prime contractor shall reimburse the 16048
contractor for all increased contributions paid by the prime 16049
contractor or by subcontractors upon wages for services performed 16050
under the contract. Upon reimbursement by the contractee to the 16051
prime contractor, the prime contractor shall reimburse each 16052
subcontractor for the increased contributions. 16053

(E) Effective only for the contribution period beginning on 16054
January 1, 1996, and ending on December 31, 1996, mutualized 16055
contributions collected or received by the director pursuant to 16056
division (B)(5) of this section and amounts credited to the 16057

mutualized account pursuant to division (B)(7) of this section 16058
shall be deposited into or credited to the unemployment 16059
compensation benefit reserve fund that is created under division 16060
(F) of this section, except that amounts collected, received, or 16061
credited in excess of two hundred million dollars shall be 16062
deposited into or credited to the unemployment trust fund 16063
established pursuant to section 4141.09 of the Revised Code. 16064

(F) The state unemployment compensation benefit reserve fund 16065
is hereby created as a trust fund in the custody of the treasurer 16066
of state and shall not be part of the state treasury. The fund 16067
shall consist of all moneys collected or received as mutualized 16068
contributions pursuant to division (B)(5) of this section and 16069
amounts credited to the mutualized account pursuant to division 16070
(B)(7) of this section as provided by division (E) of this 16071
section. All moneys in the fund shall be used solely to pay 16072
unemployment compensation benefits in the event that funds are no 16073
longer available for that purpose from the unemployment trust fund 16074
established pursuant to section 4141.09 of the Revised Code. 16075

(G) The balance in the unemployment compensation benefit 16076
reserve fund remaining at the end of the contribution period 16077
beginning January 1, 2000, and any mutualized contribution amounts 16078
for the contribution period beginning on January 1, 1996, that may 16079
be received after December 31, 2000, shall be deposited into the 16080
unemployment trust fund established pursuant to section 4141.09 of 16081
the Revised Code. Income earned on moneys in the state 16082
unemployment compensation benefit reserve fund shall be available 16083
for use by the director only for the purposes described in 16084
division (I) of this section, and shall not be used for any other 16085
purpose. 16086

(H) The unemployment compensation benefit reserve fund 16087
balance shall be added to the unemployment trust fund balance in 16088
determining the minimum safe level tax to be imposed pursuant to 16089

division (B) of this section and shall be included in the 16090
mutualized account balance for the purpose of determining the 16091
mutualized contribution rate pursuant to division (B)(5) of this 16092
section. 16093

(I) All income earned on moneys in the unemployment 16094
compensation benefit reserve fund from the investment of the fund 16095
by the treasurer of state shall accrue to the department of job 16096
and family services automation administration fund, which is 16097
hereby established in the state treasury. Moneys within the 16098
automation administration fund shall be used to meet the costs 16099
related to automation of the department and the administrative 16100
costs related to collecting and accounting for unemployment 16101
compensation benefit reserve fund revenue. Any funds remaining in 16102
the automation administration fund upon completion of the 16103
department's automation projects that are funded by that fund 16104
shall be deposited into the unemployment trust fund established 16105
pursuant to section 4141.09 of the Revised Code. 16106

(J) The director shall prepare and submit monthly reports to 16107
the unemployment compensation advisory commission with respect to 16108
the status of efforts to collect and account for unemployment 16109
compensation benefit reserve fund revenue and the costs related to 16110
collecting and accounting for that revenue. The director shall 16111
obtain approval from the unemployment compensation advisory 16112
commission for expenditure of funds from the department of job and 16113
family services automation administration fund. Funds may be 16114
approved for expenditure for purposes set forth in division (I) of 16115
this section only to the extent that federal or other funds are 16116
not available. 16117

Sec. 4141.29. Each eligible individual shall receive benefits 16118
as compensation for loss of remuneration due to involuntary total 16119
or partial unemployment in the amounts and subject to the 16120

conditions stipulated in this chapter.	16121
(A) No individual is entitled to a waiting period or benefits for any week unless the individual:	16122 16123
(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;	16124 16125 16126
(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;	16127 16128
(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.	16129 16130 16131 16132 16133
(b) For purposes of division (A)(3) of this section, an individual has "registered" upon doing any of the following:	16134 16135
(i) Filing an application for benefit rights;	16136
(ii) Making a weekly claim for benefits;	16137
(iii) Reopening an existing claim following a period of employment or nonreporting.	16138 16139
(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>	16140 16141 16142 16143 16144 16145 16146
(d) The director may, for good cause, extend the period of registration.	16147 16148
(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person	16149 16150

appointment, as designated by the director. 16151

(4)(a)(i) Is able to work and available for suitable work 16152
and, except as provided in division (A)(4)(a)(ii) or (iii) of this 16153
section, is actively seeking suitable work either in a locality in 16154
which the individual has earned wages subject to this chapter 16155
during the individual's base period, or if the individual leaves 16156
that locality, then in a locality where suitable work normally is 16157
performed. 16158

(ii) The director may waive the requirement that a claimant 16159
be actively seeking work when the director finds that the 16160
individual has been laid off and the employer who laid the 16161
individual off has notified the director within ten days after the 16162
layoff, that work is expected to be available for the individual 16163
within a specified number of days not to exceed forty-five 16164
calendar days following the last day the individual worked. In the 16165
event the individual is not recalled within the specified period, 16166
this waiver shall cease to be operative with respect to that 16167
layoff. 16168

(iii) The director may waive the requirement that a claimant 16169
be actively seeking work if the director determines that the 16170
individual has been laid off and the employer who laid the 16171
individual off has notified the director in accordance with 16172
division (C) of section 4141.28 of the Revised Code that the 16173
employer has closed the employer's entire plant or part of the 16174
employer's plant for a purpose other than inventory or vacation 16175
that will cause unemployment for a definite period not exceeding 16176
twenty-six weeks beginning on the date the employer notifies the 16177
director, for the period of the specific shutdown, if all of the 16178
following apply: 16179

(I) The employer and the individuals affected by the layoff 16180
who are claiming benefits under this chapter jointly request the 16181
exemption. 16182

(II) The employer provides that the affected individuals shall return to work for the employer within twenty-six weeks after the date the employer notifies the director.

(III) The director determines that the waiver of the active search for work requirement will promote productivity and economic stability within the state.

(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.

(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:

(I) The individual is an individual described in division (A)(4)(b)(iii) of this section;

(II) Where the active search for work requirement has been waived under division (A)(4)(a) of this section;

(III) Where the active search for work requirement is considered to be met under division (A)(4)(c), (d), or (e) of this section.

(ii) An individual who is registered with OhioMeansJobs shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search efforts and shall produce that record in the manner and means prescribed by the director.

(iii) No individual shall be required to register with OhioMeansJobs if the individual is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs is available.

(iv) As used in division (A)(4)(b) of this section:

(I) "OhioMeansJobs" means the electronic job placement system operated by the state.

(II) "Registration" includes the creation, electronic posting, and maintenance of an active, searchable resume.

(c) An individual who is attending a training course approved by the director meets the requirement of this division, if attendance was recommended by the director and the individual is regularly attending the course and is making satisfactory progress. An individual also meets the requirements of this division if the individual is participating and advancing in a training program, as defined in division (P) of section 5709.61 of the Revised Code, and if an enterprise, defined in division (B) of section 5709.61 of the Revised Code, is paying all or part of the cost of the individual's participation in the training program with the intention of hiring the individual for employment as a new employee, as defined in division (L) of section 5709.61 of the Revised Code, for at least ninety days after the individual's completion of the training program.

(d) An individual who becomes unemployed while attending a regularly established school and whose base period qualifying weeks were earned in whole or in part while attending that school, meets the availability and active search for work requirements of division (A)(4)(a) of this section if the individual regularly attends the school during weeks with respect to which the

individual claims unemployment benefits and makes self available 16245
on any shift of hours for suitable employment with the 16246
individual's most recent employer or any other employer in the 16247
individual's base period, or for any other suitable employment to 16248
which the individual is directed, under this chapter. 16249

(e) An individual who is a member in good standing with a 16250
labor organization that refers individuals to jobs meets the 16251
active search for work requirement specified in division (A)(4)(a) 16252
of this section if the individual provides documentation that the 16253
individual is eligible for a referral or placement upon request 16254
and in a manner prescribed by the director. 16255

(f) Notwithstanding any other provisions of this section, no 16256
otherwise eligible individual shall be denied benefits for any 16257
week because the individual is in training approved under section 16258
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 16259
2296, nor shall that individual be denied benefits by reason of 16260
leaving work to enter such training, provided the work left is not 16261
suitable employment, or because of the application to any week in 16262
training of provisions in this chapter, or any applicable federal 16263
unemployment compensation law, relating to availability for work, 16264
active search for work, or refusal to accept work. 16265

For the purposes of division (A)(4)(f) of this section, 16266
"suitable employment" means with respect to an individual, work of 16267
a substantially equal or higher skill level than the individual's 16268
past adversely affected employment, as defined for the purposes of 16269
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 16270
wages for such work at not less than eighty per cent of the 16271
individual's average weekly wage as determined for the purposes of 16272
that federal act. 16273

(5) Is unable to obtain suitable work. An individual who is 16274
provided temporary work assignments by the individual's employer 16275
under agreed terms and conditions of employment, and who is 16276

required pursuant to those terms and conditions to inquire with 16277
the individual's employer for available work assignments upon the 16278
conclusion of each work assignment, is not considered unable to 16279
obtain suitable employment if suitable work assignments are 16280
available with the employer but the individual fails to contact 16281
the employer to inquire about work assignments. 16282

(6) Participates in reemployment services, such as job search 16283
assistance services, if the individual has been determined to be 16284
likely to exhaust benefits under this chapter, including 16285
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 16286
extended compensation, and needs reemployment services pursuant to 16287
the profiling system established by the director under division 16288
(K) of this section, unless the director determines that: 16289

(a) The individual has completed such services; or 16290

(b) There is justifiable cause for the claimant's failure to 16291
participate in such services. 16292

Ineligibility for failure to participate in reemployment 16293
services as described in division (A)(6) of this section shall be 16294
for the week or weeks in which the claimant was scheduled and 16295
failed to participate without justifiable cause. 16296

(7) Participates in the reemployment and eligibility 16297
assessment program, or other reemployment services, as required by 16298
the director. As used in division (A)(7) of this section, 16299
"reemployment services" includes job search assistance activities, 16300
skills assessments, and the provision of labor market statistics 16301
or analysis. 16302

(a) For purposes of division (A)(7) of this section, 16303
participation is required unless the director determines that 16304
either of the following circumstances applies to the individual: 16305

(i) The individual has completed similar services. 16306

(ii) Justifiable cause exists for the failure of the individual to participate in those services.

(b) Within six months after ~~the effective date of this 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 that:

(a) The individual's unemployment was due to a labor dispute other than a lockout at any factory, establishment, or other premises located in this or any other state and owned or operated by the employer by which the individual is or was last employed; and for so long as the individual's unemployment is due to such labor dispute. No individual shall be disqualified under this provision if either of the following applies:

(i) The individual's employment was with such employer at any factory, establishment, or premises located in this state, owned or operated by such employer, other than the factory, establishment, or premises at which the labor dispute exists, if it is shown that the individual is not financing, participating in, or directly interested in such labor dispute;

(ii) The individual's employment was with an employer not involved in the labor dispute but whose place of business was located within the same premises as the employer engaged in the dispute, unless the individual's employer is a wholly owned subsidiary of the employer engaged in the dispute, or unless the individual actively participates in or voluntarily stops work because of such dispute. If it is established that the claimant was laid off for an indefinite period and not recalled to work prior to the dispute, or was separated by the employer prior to the dispute for reasons other than the labor dispute, or that the individual obtained a bona fide job with another employer while the dispute was still in progress, such labor dispute shall not render the employee ineligible for benefits.

(b) The individual has been given a disciplinary layoff for 16370
misconduct in connection with the individual's work. 16371

(2) For the duration of the individual's unemployment if the 16372
director finds that: 16373

(a) The individual quit work without just cause or has been 16374
discharged for just cause in connection with the individual's 16375
work, provided division (D)(2) of this section does not apply to 16376
the separation of a person under any of the following 16377
circumstances: 16378

(i) Separation from employment for the purpose of entering 16379
the armed forces of the United States if the individual is 16380
inducted into the armed forces within one of the following 16381
periods: 16382

(I) Thirty days after separation; 16383

(II) One hundred eighty days after separation if the 16384
individual's date of induction is delayed solely at the discretion 16385
of the armed forces. 16386

(ii) Separation from employment pursuant to a 16387
labor-management contract or agreement, or pursuant to an 16388
established employer plan, program, or policy, which permits the 16389
employee, because of lack of work, to accept a separation from 16390
employment; 16391

(iii) The individual has left employment to accept a recall 16392
from a prior employer or, except as provided in division 16393
(D)(2)(a)(iv) of this section, to accept other employment as 16394
provided under section 4141.291 of the Revised Code, or left or 16395
was separated from employment that was concurrent employment at 16396
the time of the most recent separation or within six weeks prior 16397
to the most recent separation where the remuneration, hours, or 16398
other conditions of such concurrent employment were substantially 16399
less favorable than the individual's most recent employment and 16400

where such employment, if offered as new work, would be considered 16401
not suitable under the provisions of divisions (E) and (F) of this 16402
section. Any benefits that would otherwise be chargeable to the 16403
account of the employer from whom an individual has left 16404
employment or was separated from employment that was concurrent 16405
employment under conditions described in division (D)(2)(a)(iii) 16406
of this section, shall instead be charged to the mutualized 16407
account created by division (B) of section 4141.25 of the Revised 16408
Code, except that any benefits chargeable to the account of a 16409
reimbursing employer under division (D)(2)(a)(iii) of this section 16410
shall be charged to the account of the reimbursing employer and 16411
not to the mutualized account, except as provided in division 16412
(D)(2) of section 4141.24 of the Revised Code. 16413

(iv) When an individual has been issued a definite layoff 16414
date by the individual's employer and before the layoff date, the 16415
individual quits to accept other employment, the provisions of 16416
division (D)(2)(a)(iii) of this section apply and no 16417
disqualification shall be imposed under division (D) of this 16418
section. However, if the individual fails to meet the employment 16419
and earnings requirements of division (A)(2) of section 4141.291 16420
of the Revised Code, then the individual, pursuant to division 16421
(A)(5) of this section, shall be ineligible for benefits for any 16422
week of unemployment that occurs prior to the layoff date. 16423

(b) The individual has refused without good cause to accept 16424
an offer of suitable work when made by an employer either in 16425
person or to the individual's last known address, or has refused 16426
or failed to investigate a referral to suitable work when directed 16427
to do so by a local employment office of this state or another 16428
state, provided that this division shall not cause a 16429
disqualification for a waiting week or benefits under the 16430
following circumstances: 16431

(i) When work is offered by the individual's employer and the 16432

individual is not required to accept the offer pursuant to the 16433
terms of the labor-management contract or agreement; or 16434

(ii) When the individual is attending a training course 16435
pursuant to division (A)(4) of this section except, in the event 16436
of a refusal to accept an offer of suitable work or a refusal or 16437
failure to investigate a referral, benefits thereafter paid to 16438
such individual shall not be charged to the account of any 16439
employer and, except as provided in division (B)(1)(b) of section 16440
4141.241 of the Revised Code, shall be charged to the mutualized 16441
account as provided in division (B) of section 4141.25 of the 16442
Revised Code. 16443

(c) Such individual quit work to marry or because of marital, 16444
parental, filial, or other domestic obligations. 16445

(d) The individual became unemployed by reason of commitment 16446
to any correctional institution. 16447

(e) The individual became unemployed because of dishonesty in 16448
connection with the individual's most recent or any base period 16449
work. Remuneration earned in such work shall be excluded from the 16450
individual's total base period remuneration and qualifying weeks 16451
that otherwise would be credited to the individual for such work 16452
in the individual's base period shall not be credited for the 16453
purpose of determining the total benefits to which the individual 16454
is eligible and the weekly benefit amount to be paid under section 16455
4141.30 of the Revised Code. Such excluded remuneration and 16456
noncredited qualifying weeks shall be excluded from the 16457
calculation of the maximum amount to be charged, under division 16458
(D) of section 4141.24 and section 4141.33 of the Revised Code, 16459
against the accounts of the individual's base period employers. In 16460
addition, no benefits shall thereafter be paid to the individual 16461
based upon such excluded remuneration or noncredited qualifying 16462
weeks. 16463

For purposes of division (D)(2)(e) of this section, 16464
"dishonesty" means the commission of substantive theft, fraud, or 16465
deceitful acts. 16466

(E) No individual otherwise qualified to receive benefits 16467
shall lose the right to benefits by reason of a refusal to accept 16468
new work if: 16469

(1) As a condition of being so employed the individual would 16470
be required to join a company union, or to resign from or refrain 16471
from joining any bona fide labor organization, or would be denied 16472
the right to retain membership in and observe the lawful rules of 16473
any such organization. 16474

(2) The position offered is vacant due directly to a strike, 16475
lockout, or other labor dispute. 16476

(3) The work is at an unreasonable distance from the 16477
individual's residence, having regard to the character of the work 16478
the individual has been accustomed to do, and travel to the place 16479
of work involves expenses substantially greater than that required 16480
for the individual's former work, unless the expense is provided 16481
for. 16482

(4) The remuneration, hours, or other conditions of the work 16483
offered are substantially less favorable to the individual than 16484
those prevailing for similar work in the locality. 16485

(F) Subject to the special exceptions contained in division 16486
(A)(4)(f) of this section and section 4141.301 of the Revised 16487
Code, in determining whether any work is suitable for a claimant 16488
in the administration of this chapter, the director, in addition 16489
to the determination required under division (E) of this section, 16490
shall consider the degree of risk to the claimant's health, 16491
safety, and morals, the individual's physical fitness for the 16492
work, the individual's prior training and experience, the length 16493
of the individual's unemployment, the distance of the available 16494

work from the individual's residence, and the individual's 16495
prospects for obtaining local work. 16496

(G) The "duration of unemployment" as used in this section 16497
means the full period of unemployment next ensuing after a 16498
separation from any base period or subsequent work and until an 16499
individual has become reemployed in employment subject to this 16500
chapter, or the unemployment compensation act of another state, or 16501
of the United States, and until such individual has worked six 16502
weeks and for those weeks has earned or been paid remuneration 16503
equal to six times an average weekly wage of not less than: 16504
eighty-five dollars and ten cents per week beginning on June 26, 16505
1990; and beginning on and after January 1, 1992, twenty-seven and 16506
one-half per cent of the statewide average weekly wage as computed 16507
each first day of January under division (B)(3) of section 4141.30 16508
of the Revised Code, rounded down to the nearest dollar, except 16509
for purposes of division (D)(2)(c) of this section, such term 16510
means the full period of unemployment next ensuing after a 16511
separation from such work and until such individual has become 16512
reemployed subject to the terms set forth above, and has earned 16513
wages equal to one-half of the individual's average weekly wage or 16514
sixty dollars, whichever is less. 16515

(H) If a claimant is disqualified under division (D)(2)(a), 16516
(c), or (d) of this section or found to be qualified under the 16517
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 16518
this section or division (A)(2) of section 4141.291 of the Revised 16519
Code, then benefits that may become payable to such claimant, 16520
which are chargeable to the account of the employer from whom the 16521
individual was separated under such conditions, shall be charged 16522
to the mutualized account provided in section 4141.25 of the 16523
Revised Code, provided that no charge shall be made to the 16524
mutualized account for benefits chargeable to a reimbursing 16525
employer, except as provided in division (D)(2) of section 4141.24 16526

of the Revised Code. In the case of a reimbursing employer, the 16527
director shall refund or credit to the account of the reimbursing 16528
employer any over-paid benefits that are recovered under division 16529
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 16530
other states, the United States, or Canada that are subject to 16531
agreements and arrangements that are established pursuant to 16532
section 4141.43 of the Revised Code shall be credited or 16533
reimbursed according to the agreements and arrangements to which 16534
the chargeable amounts are subject. 16535

(I)(1) Benefits based on service in employment as provided in 16536
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 16537
shall be payable in the same amount, on the same terms, and 16538
subject to the same conditions as benefits payable on the basis of 16539
other service subject to this chapter; except that after December 16540
31, 1977: 16541

(a) Benefits based on service in an instructional, research, 16542
or principal administrative capacity in an institution of higher 16543
education, as defined in division (Y) of section 4141.01 of the 16544
Revised Code; or for an educational institution as defined in 16545
division (CC) of section 4141.01 of the Revised Code, shall not be 16546
paid to any individual for any week of unemployment that begins 16547
during the period between two successive academic years or terms, 16548
or during a similar period between two regular but not successive 16549
terms or during a period of paid sabbatical leave provided for in 16550
the individual's contract, if the individual performs such 16551
services in the first of those academic years or terms and has a 16552
contract or a reasonable assurance that the individual will 16553
perform services in any such capacity for any such institution in 16554
the second of those academic years or terms. 16555

(b) Benefits based on service for an educational institution 16556
or an institution of higher education in other than an 16557
instructional, research, or principal administrative capacity, 16558

shall not be paid to any individual for any week of unemployment 16559
which begins during the period between two successive academic 16560
years or terms of the employing educational institution or 16561
institution of higher education, provided the individual performed 16562
those services for the educational institution or institution of 16563
higher education during the first such academic year or term and, 16564
there is a reasonable assurance that such individual will perform 16565
those services for any educational institution or institution of 16566
higher education in the second of such academic years or terms. 16567

If compensation is denied to any individual for any week 16568
under division (I)(1)(b) of this section and the individual was 16569
not offered an opportunity to perform those services for an 16570
institution of higher education or for an educational institution 16571
for the second of such academic years or terms, the individual is 16572
entitled to a retroactive payment of compensation for each week 16573
for which the individual timely filed a claim for compensation and 16574
for which compensation was denied solely by reason of division 16575
(I)(1)(b) of this section. An application for retroactive benefits 16576
shall be timely filed if received by the director or the 16577
director's deputy within or prior to the end of the fourth full 16578
calendar week after the end of the period for which benefits were 16579
denied because of reasonable assurance of employment. The 16580
provision for the payment of retroactive benefits under division 16581
(I)(1)(b) of this section is applicable to weeks of unemployment 16582
beginning on and after November 18, 1983. The provisions under 16583
division (I)(1)(b) of this section shall be retroactive to 16584
September 5, 1982, only if, as a condition for full tax credit 16585
against the tax imposed by the "Federal Unemployment Tax Act," 53 16586
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 16587
secretary of labor determines that retroactivity is required by 16588
federal law. 16589

(c) With respect to weeks of unemployment beginning after 16590

December 31, 1977, benefits shall be denied to any individual for 16591
any week which commences during an established and customary 16592
vacation period or holiday recess, if the individual performs any 16593
services described in divisions (I)(1)(a) and (b) of this section 16594
in the period immediately before the vacation period or holiday 16595
recess, and there is a reasonable assurance that the individual 16596
will perform any such services in the period immediately following 16597
the vacation period or holiday recess. 16598

(d) With respect to any services described in division 16599
(I)(1)(a), (b), or (c) of this section, benefits payable on the 16600
basis of services in any such capacity shall be denied as 16601
specified in division (I)(1)(a), (b), or (c) of this section to 16602
any individual who performs such services in an educational 16603
institution or institution of higher education while in the employ 16604
of an educational service agency. For this purpose, the term 16605
"educational service agency" means a governmental agency or 16606
governmental entity that is established and operated exclusively 16607
for the purpose of providing services to one or more educational 16608
institutions or one or more institutions of higher education. 16609

(e) Any individual employed by a county board of 16610
developmental disabilities shall be notified by the thirtieth day 16611
of April each year if the individual is not to be reemployed the 16612
following academic year. 16613

(f) Any individual employed by a school district, other than 16614
a municipal school district as defined in section 3311.71 of the 16615
Revised Code, shall be notified by the first day of June each year 16616
if the individual is not to be reemployed the following academic 16617
year. 16618

(2) No disqualification will be imposed, between academic 16619
years or terms or during a vacation period or holiday recess under 16620
this division, unless the director or the director's deputy has 16621
received a statement in writing from the educational institution 16622

or institution of higher education that the claimant has a 16623
contract for, or a reasonable assurance of, reemployment for the 16624
ensuing academic year or term. 16625

(3) If an individual has employment with an educational 16626
institution or an institution of higher education and employment 16627
with a noneducational employer, during the base period of the 16628
individual's benefit year, then the individual may become eligible 16629
for benefits during the between-term, or vacation or holiday 16630
recess, disqualification period, based on employment performed for 16631
the noneducational employer, provided that the employment is 16632
sufficient to qualify the individual for benefit rights separately 16633
from the benefit rights based on school employment. The weekly 16634
benefit amount and maximum benefits payable during a 16635
disqualification period shall be computed based solely on the 16636
nonschool employment. 16637

(J) Benefits shall not be paid on the basis of employment 16638
performed by an alien, unless the alien had been lawfully admitted 16639
to the United States for permanent residence at the time the 16640
services were performed, was lawfully present for purposes of 16641
performing the services, or was otherwise permanently residing in 16642
the United States under color of law at the time the services were 16643
performed, under section 212(d)(5) of the "Immigration and 16644
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 16645

(1) Any data or information required of individuals applying 16646
for benefits to determine whether benefits are not payable to them 16647
because of their alien status shall be uniformly required from all 16648
applicants for benefits. 16649

(2) In the case of an individual whose application for 16650
benefits would otherwise be approved, no determination that 16651
benefits to the individual are not payable because of the 16652
individual's alien status shall be made except upon a 16653
preponderance of the evidence that the individual had not, in 16654

fact, been lawfully admitted to the United States. 16655

(K) The director shall establish and utilize a system of 16656
profiling all new claimants under this chapter that: 16657

(1) Identifies which claimants will be likely to exhaust 16658
regular compensation and will need job search assistance services 16659
to make a successful transition to new employment; 16660

(2) Refers claimants identified pursuant to division (K)(1) 16661
of this section to reemployment services, such as job search 16662
assistance services, available under any state or federal law; 16663

(3) Collects follow-up information relating to the services 16664
received by such claimants and the employment outcomes for such 16665
claimant's subsequent to receiving such services and utilizes such 16666
information in making identifications pursuant to division (K)(1) 16667
of this section; and 16668

(4) Meets such other requirements as the United States 16669
secretary of labor determines are appropriate. 16670

(L) Except as otherwise provided in division (A)(6) of this 16671
section, ineligibility pursuant to division (A) of this section 16672
shall begin on the first day of the week in which the claimant 16673
becomes ineligible for benefits and shall end on the last day of 16674
the week preceding the week in which the claimant satisfies the 16675
eligibility requirements. 16676

(M) The director may adopt rules that the director considers 16677
necessary for the administration of division (A) of this section. 16678

Sec. 4141.35. (A) If the director of job and family services 16679
finds that any fraudulent misrepresentation has been made by an 16680
applicant for or a recipient of benefits with the object of 16681
obtaining benefits to which the applicant or recipient was not 16682
entitled, and in addition to any other penalty or forfeiture under 16683
this chapter, then the director: 16684

(1) Shall within four years after the end of the benefit year 16685
in which the fraudulent misrepresentation was made reject or 16686
cancel such person's entire weekly claim for benefits that was 16687
fraudulently claimed, or the person's entire benefit rights if the 16688
misrepresentation was in connection with the filing of the 16689
claimant's application for determination of benefit rights; 16690

(2) Shall by order declare that, for each application for 16691
benefit rights and for each weekly claim canceled, such person 16692
shall be ineligible for two otherwise valid weekly claims for 16693
benefits, claimed within six years subsequent to the discovery of 16694
such misrepresentation; 16695

(3) By order shall require that the total amount of benefits 16696
rejected or canceled under division (A)(1) of this section be 16697
repaid to the director before such person may become eligible for 16698
further benefits, and shall withhold such unpaid sums from future 16699
benefit payments accruing and otherwise payable to such claimant. 16700
Effective with orders issued on or after January 1, 1993, if such 16701
benefits are not repaid within thirty days after the director's 16702
order becomes final, interest on the amount remaining unpaid shall 16703
be charged to the person at a rate and calculated in the same 16704
manner as provided under section 4141.23 of the Revised Code. When 16705
a person ordered to repay benefits has repaid all overpaid 16706
benefits according to a plan approved by the director, the 16707
director may cancel the amount of interest that accrued during the 16708
period of the repayment plan. The director may take action in any 16709
court of competent jurisdiction to collect benefits and interest 16710
as provided in sections 4141.23 and 4141.27 of the Revised Code, 16711
in regard to the collection of unpaid contributions, using the 16712
final repayment order as the basis for such action. Except as 16713
otherwise provided in this division, no administrative or legal 16714
proceedings for the collection of such benefits or interest due, 16715
or for the collection of a penalty under division (A)(4) of this 16716

section, shall be initiated after the expiration of six years from 16717
the date on which the director's order requiring repayment became 16718
final and the amount of any benefits, penalty, or interest not 16719
recovered at that time, and any liens thereon, shall be canceled 16720
as uncollectible. The time limit for instituting proceedings shall 16721
be extended by the period of any stay to the collection or by any 16722
other time period to which the parties mutually agree. 16723

(4) Shall, for findings made on or after October 21, 2013, by 16724
order assess a mandatory penalty on such a person in an amount 16725
equal to twenty-five per cent of the total amount of benefits 16726
rejected or canceled under division (A)(1) of this section. The 16727
first sixty per cent of each penalty collected under division 16728
(A)(4) of this section shall be deposited into the unemployment 16729
compensation fund created under section 4141.09 of the Revised 16730
Code, ~~and the~~ and shall be credited to the mutualized account, as 16731
provided in division (B)(2)(g) of section 4141.25 of the Revised 16732
Code. The remainder of each penalty collected shall be deposited 16733
into the unemployment compensation special administrative fund 16734
created under section 4141.11 of the Revised Code. 16735

(5) May take action to collect benefits fraudulently obtained 16736
under the unemployment compensation law of any other state or the 16737
United States or Canada. Such action may be initiated in the 16738
courts of this state in the same manner as provided for unpaid 16739
contributions in section 4141.41 of the Revised Code. 16740

(6) May take action to collect benefits that have been 16741
fraudulently obtained from the director, interest pursuant to 16742
division (A)(3) of this section, and court costs, through 16743
attachment proceedings under Chapter 2715. of the Revised Code and 16744
garnishment proceedings under Chapter 2716. of the Revised Code. 16745

(B) If the director finds that an applicant for benefits has 16746
been credited with a waiting period or paid benefits to which the 16747
applicant was not entitled for reasons other than fraudulent 16748

misrepresentation, the director shall: 16749

(1)(a) Within six months after the determination under which 16750
the claimant was credited with that waiting period or paid 16751
benefits becomes final pursuant to section 4141.28 of the Revised 16752
Code, or within three years after the end of the benefit year in 16753
which such benefits were claimed, whichever is later, by order 16754
cancel such waiting period and require that such benefits be 16755
repaid to the director or be withheld from any benefits to which 16756
such applicant is or may become entitled before any additional 16757
benefits are paid, provided that the repayment or withholding 16758
shall not be required where the overpayment is the result of the 16759
director's correcting a prior decision due to a typographical or 16760
clerical error in the director's prior decision, or an error in an 16761
employer's report under division (G) of section 4141.28 of the 16762
Revised Code. 16763

(b) The limitation specified in division (B)(1)(a) of this 16764
section shall not apply to cases involving the retroactive payment 16765
of remuneration covering periods for which benefits were 16766
previously paid to the claimant. However, in such cases, the 16767
director's order requiring repayment shall not be issued unless 16768
the director is notified of such retroactive payment within six 16769
months from the date the retroactive payment was made to the 16770
claimant. 16771

(2) The director may, by reciprocal agreement with the United 16772
States secretary of labor or another state, recover overpayment 16773
amounts from unemployment benefits otherwise payable to an 16774
individual under Chapter 4141. of the Revised Code. Any 16775
overpayments made to the individual that have not previously been 16776
recovered under an unemployment benefit program of the United 16777
States may be recovered in accordance with section 303(g) of the 16778
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 16779
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 16780

3301 to 3311. 16781

(3) If the amounts required to be repaid under division (B) 16782
of this section are not recovered within three years from the date 16783
the director's order requiring payment became final, initiate no 16784
further action to collect such benefits and the amount of any 16785
benefits not recovered at that time shall be canceled as 16786
uncollectible, provided that the time limit for collection shall 16787
be extended by the period of any stay to the collection or by any 16788
other time period to which the parties mutually agree. 16789

(C) The appeal provisions of sections 4141.281 and 4141.282 16790
of the Revised Code shall apply to all orders and determinations 16791
issued under this section, except that an individual's right of 16792
appeal under division (B)(2) of this section shall be limited to 16793
this state's authority to recover overpayment of benefits. 16794

(D) If an individual makes a full repayment or a repayment 16795
that is less than the full amount required by this section, the 16796
director shall apply the repayment to the mutualized account under 16797
division (B) of section 4141.25 of the Revised Code, except that 16798
the director shall credit the repayment to the accounts of the 16799
individual's base period employers that previously have not been 16800
credited for the amount of improperly paid benefits charged 16801
against their accounts based on the proportion of benefits charged 16802
against the accounts as determined pursuant to division (D) of 16803
section 4141.24 of the Revised Code. 16804

The director shall deposit any repayment collected under this 16805
section that the director determines to be payment of interest or 16806
court costs into the unemployment compensation special 16807
administrative fund established pursuant to section 4141.11 of the 16808
Revised Code. 16809

This division does not apply to ~~federal~~ any of the following: 16810

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 16811

(2) Unclaimed fund recoveries under section 131.024 of the 16812
Revised Code; 16813

(3) Lottery award offsets under section 3770.073 of the 16814
Revised Code; 16815

(4) State tax refund offsets under section 5747.12 of the 16816
Revised Code. 16817

Sec. 4301.07. Each member of the liquor control commission 16818
shall devote the member's entire time to the duties of office and 16819
shall hold no other ~~public position~~ office of trust or profit. No 16820
member of the commission, nor the superintendent of liquor 16821
control, nor any of the employees of the commission or of the 16822
division of liquor control, shall have any direct financial 16823
interest in, or any interest otherwise prohibited by Chapter 102. 16824
or section 2921.42 or 2921.43 of the Revised Code in, the 16825
manufacture, distribution, or sale of beer or intoxicating liquor. 16826

Each member of the commission and the chairperson shall 16827
receive a salary fixed pursuant to division (J) of section 124.15 16828
of the Revised Code. In addition to that salary, each member shall 16829
receive actual and necessary travel expenses in connection with 16830
commission hearings and business. The chairperson shall be an 16831
attorney at law who has had five years of active law practice. 16832

As used in this section only, "office of trust or profit" 16833
means: 16834

(A) A federal or state elective office or an elected office 16835
of a political subdivision of the state; 16836

(B) A position on a board or commission of the state that is 16837
appointed by the governor; 16838

(C) An office set forth in section 121.03, 121.04, or 121.05 16839
of the Revised Code; 16840

(D) An office of the government of the United States that is 16841

appointed by the president of the United States. 16842

Sec. 4303.021. (A) Permit A-1-A may be issued to the holder 16843
of an A-1, A-1c, or A-2 permit to sell beer and any intoxicating 16844
liquor at retail, only by the individual drink in glass or from a 16845
container, provided that one of the following applies to the A-1-A 16846
permit premises: 16847

(1) It is situated on the same parcel or tract of land as the 16848
related A-1, A-1c, or A-2 manufacturing permit premises. 16849

(2) It is separated from the parcel or tract of land on which 16850
is located the A-1, A-1c, or A-2 manufacturing permit premises 16851
only by public streets or highways or by other lands owned by the 16852
holder of the A-1, A-1c, or A-2 permit and used by the holder in 16853
connection with or in promotion of the holder's A-1, A-1c, or A-2 16854
permit business. 16855

(3) It is situated on a parcel or tract of land that is not 16856
more than one-half mile from the A-1, A-1c, or A-2 manufacturing 16857
permit premises. 16858

(B) The fee for this permit is three thousand nine hundred 16859
six dollars. 16860

(C)(1) The holder of an A-1-A permit may sell beer and any 16861
intoxicating liquor during the same hours as the holders of D-5 16862
permits under this chapter or Chapter 4301. of the Revised Code or 16863
the rules of the liquor control commission and shall obtain a 16864
license as a retail food establishment or a food service operation 16865
pursuant to Chapter 3717. of the Revised Code and operate as a 16866
restaurant for purposes of this chapter. 16867

(2) If a permit A-1-A is issued to the holder of an A-1 or 16868
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 16869
permit premises dispensed in glass containers with a capacity that 16870
does not exceed one gallon and not for consumption on the premises 16871

where sold if all of the following apply: 16872

(a) The A-1-A permit premises is situated in the same 16873
municipal corporation or township as the related A-1 or A-1c 16874
manufacturing permit premises. 16875

(b) The containers are sealed, marked, and transported in 16876
accordance with division (E) of section 4301.62 of the Revised 16877
Code. 16878

(c) The containers have been cleaned immediately before being 16879
filled in accordance with rule 4301:1-1-28 of the Administrative 16880
Code. 16881

(D) Except as otherwise provided in this section, ~~no~~ the 16882
division of liquor control shall not issue a new A-1-A permit 16883
shall be issued to the holder of an A-1, A-1c, or A-2 permit 16884
unless the sale of beer and intoxicating liquor under class D 16885
permits is permitted in the precinct in which the A-1, A-1c, or 16886
A-2 permit is located and, in the case of an A-2 permit, unless 16887
the holder of the A-2 permit manufactures or has a storage 16888
capacity of at least twenty-five thousand gallons of wine per 16889
year. The immediately preceding sentence does not prohibit the 16890
issuance of an A-1-A permit to an applicant for such a permit who 16891
is the holder of an A-1 permit and whose application was filed 16892
with the division of liquor control before June 1, 1994. The 16893
liquor control commission shall not restrict the number of A-1-A 16894
permits which may be located within a precinct. 16895

Sec. 4503.44. (A) As used in this section and in section 16896
4511.69 of the Revised Code: 16897

(1) "Person with a disability that limits or impairs the 16898
ability to walk" means any person who, as determined by a health 16899
care provider, meets any of the following criteria: 16900

(a) Cannot walk two hundred feet without stopping to rest; 16901

(b) Cannot walk without the use of, or assistance from, a 16902
brace, cane, crutch, another person, prosthetic device, 16903
wheelchair, or other assistive device; 16904

(c) Is restricted by a lung disease to such an extent that 16905
the person's forced (respiratory) expiratory volume for one 16906
second, when measured by spirometry, is less than one liter, or 16907
the arterial oxygen tension is less than sixty millimeters of 16908
mercury on room air at rest; 16909

(d) Uses portable oxygen; 16910

(e) Has a cardiac condition to the extent that the person's 16911
functional limitations are classified in severity as class III or 16912
class IV according to standards set by the American heart 16913
association; 16914

(f) Is severely limited in the ability to walk due to an 16915
arthritic, neurological, or orthopedic condition; 16916

(g) Is blind, legally blind, or severely visually impaired. 16917

(2) "Organization" means any private organization or 16918
corporation, or any governmental board, agency, department, 16919
division, or office, that, as part of its business or program, 16920
transports persons with disabilities that limit or impair the 16921
ability to walk on a regular basis in a motor vehicle that has not 16922
been altered for the purpose of providing it with special 16923
equipment for use by persons with disabilities. This definition 16924
does not apply to division ~~(J)~~(I) of this section. 16925

(3) "Health care provider" means a physician, physician 16926
assistant, advanced practice registered nurse, optometrist, or 16927
chiropractor as defined in this section except that an optometrist 16928
shall only make determinations as to division (A)(1)(g) of this 16929
section. 16930

(4) "Physician" means a person licensed to practice medicine 16931

or surgery or osteopathic medicine and surgery under Chapter 4731. 16932
of the Revised Code. 16933

(5) "Chiropractor" means a person licensed to practice 16934
chiropractic under Chapter 4734. of the Revised Code. 16935

(6) "Advanced practice registered nurse" means a certified 16936
nurse practitioner, clinical nurse specialist, certified 16937
registered nurse anesthetist, or certified nurse-midwife who holds 16938
a certificate of authority issued by the board of nursing under 16939
Chapter 4723. of the Revised Code. 16940

(7) "Physician assistant" means a person who holds a 16941
certificate to practice as a physician assistant issued under 16942
Chapter 4730. of the Revised Code. 16943

(8) "Optometrist" means a person licensed to engage in the 16944
practice of optometry under Chapter 4725. of the Revised Code. 16945

(B) ~~Any (1) An organization, or a person with a disability 16946~~
~~that limits or impairs the ability to walk may apply to the 16947~~
~~registrar of motor vehicles for a removable windshield placard or, 16948~~
~~if the person owns or leases a motor vehicle, the person, may 16949~~
apply for the registration of any motor vehicle the organization 16950
or person owns or leases. In addition to one or more sets of 16951
license plates or one placard, a person with a disability that 16952
limits or impairs the ability to walk is entitled to one 16953
additional placard, but only if the person applies separately for 16954
the additional placard, states the reasons why the additional 16955
placard is needed, and the registrar, in the registrar's 16956
discretion, determines that good and justifiable cause exists to 16957
approve the request for the additional placard. When a motor 16958
vehicle has been altered for the purpose of providing it with 16959
special equipment for a person with a disability that limits or 16960
impairs the ability to walk, but is owned or leased by someone 16961
other than such a person, the owner or lessee may apply to the 16962

registrar or a deputy registrar for registration under this 16963
section. The application for registration of a motor vehicle owned 16964
or leased by a person with a disability that limits or impairs the 16965
ability to walk shall be accompanied by a signed statement from 16966
the applicant's health care provider certifying that the applicant 16967
meets at least one of the criteria contained in division (A)(1) of 16968
this section and that the disability is expected to continue for 16969
more than six consecutive months. ~~The application for a removable 16970
windshield placard made by a person with a disability that limits 16971
or impairs the ability to walk shall be accompanied by a 16972
prescription from the applicant's health care provider prescribing 16973
such a placard for the applicant, provided that the applicant 16974
meets at least one of the criteria contained in division (A)(1) of 16975
this section. The health care provider shall state on the 16976
prescription the length of time the health care provider expects 16977
the applicant to have the disability that limits or impairs the 16978
applicant's ability to walk. The application for a removable 16979
windshield placard made by an organization shall be accompanied by 16980
such documentary evidence of regular transport of persons with 16981
disabilities that limit or impair the ability to walk by the 16982
organization as the registrar may require by rule and shall be 16983
completed in accordance with procedures that the registrar may 16984
require by rule. The application for registration of a motor 16985
vehicle that has been altered for the purpose of providing it with 16986
special equipment for a person with a disability that limits or 16987
impairs the ability to walk but is owned by someone other than 16988
such a person shall be accompanied by such documentary evidence of 16989
vehicle alterations as the registrar may require by rule. 16990~~

~~(C)(2)~~ When an organization, a person with a disability that 16991
limits or impairs the ability to walk, or a person who does not 16992
have a disability that limits or impairs the ability to walk but 16993
owns a motor vehicle that has been altered for the purpose of 16994
providing it with special equipment for a person with a disability 16995

that limits or impairs the ability to walk first submits an 16996
application for registration of a motor vehicle under this section 16997
and every fifth year thereafter, the organization or person shall 16998
submit a signed statement from the applicant's health care 16999
provider, a completed application, and any required documentary 17000
evidence of vehicle alterations as provided in division (B)(1) of 17001
this section, and also a power of attorney from the owner of the 17002
motor vehicle if the applicant leases the vehicle. Upon submission 17003
of these items, the registrar or deputy registrar shall issue to 17004
the applicant appropriate vehicle registration and a set of 17005
license plates and validation stickers, or validation stickers 17006
alone when required by section 4503.191 of the Revised Code. In 17007
addition to the letters and numbers ordinarily inscribed thereon, 17008
the license plates shall be imprinted with the international 17009
symbol of access. The license plates and validation stickers shall 17010
be issued upon payment of the regular license fee as prescribed 17011
under section 4503.04 of the Revised Code and any motor vehicle 17012
tax levied under Chapter 4504. of the Revised Code, and the 17013
payment of a service fee equal to the amount specified in division 17014
(D) or (G) of section 4503.10 of the Revised Code. 17015

~~(D)~~(C)(1) A person with a disability that limits or impairs 17016
the ability to walk may apply to the registrar of motor vehicles 17017
for a removable windshield placard by completing and signing an 17018
application provided by the registrar. The person shall include 17019
with the application a prescription from the person's health care 17020
provider prescribing such a placard for the person based upon a 17021
determination that the person meets at least one of the criteria 17022
contained in division (A)(1) of this section. The health care 17023
provider shall state on the prescription the length of time the 17024
health care provider expects the applicant to have the disability 17025
that limits or impairs the person's ability to walk. 17026

In addition to one placard or one or more sets of license 17027

plates, a person with a disability that limits or impairs the 17028
ability to walk is entitled to one additional placard, but only if 17029
the person applies separately for the additional placard, states 17030
the reasons why the additional placard is needed, and the 17031
registrar, in the registrar's discretion determines that good and 17032
justifiable cause exists to approve the request for the additional 17033
placard. 17034

(2) An organization may apply to the registrar of motor 17035
vehicles for a removable windshield placard by completing and 17036
signing an application provided by the registrar. The organization 17037
shall comply with any procedures the registrar establishes by 17038
rule. The organization shall include with the application 17039
documentary evidence that the registrar requires by rule showing 17040
that the organization regularly transports persons with 17041
disabilities that limit or impair the ability to walk. 17042

(3) Upon receipt of a completed and signed application for a 17043
removable windshield placard, a ~~prescription as described in~~ 17044
division (B) of this section, ~~documentary evidence of regular~~ 17045
transport of persons with disabilities that limit or impair the 17046
ability to walk, if required the accompanying documents required 17047
under division (C)(1) or (2) of this section, and payment of a 17048
service fee equal to the amount specified in division (D) or (G) 17049
of section 4503.10 of the Revised Code, the registrar or deputy 17050
registrar shall issue to the applicant a removable windshield 17051
placard, which shall bear the date of expiration on both sides of 17052
the placard and shall be valid until expired, revoked, or 17053
surrendered. Every removable windshield placard expires as 17054
described in division ~~(D)~~~~(2)~~(C)(4) of this section, but in no case 17055
shall a removable windshield placard be valid for a period of less 17056
than sixty days. Removable windshield placards shall be renewable 17057
upon application as provided in division ~~(B)~~(C)(1) or (2) of this 17058
section, and upon payment of a service fee equal to the amount 17059

specified in division (D) or (G) of section 4503.10 of the Revised Code ~~shall be charged~~ for the renewal of a removable windshield placard. The registrar shall provide the application form and shall determine the information to be included thereon. The registrar also shall determine the form and size of the removable windshield placard, the material of which it is to be made, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. Any placard issued after October 14, 1999, shall be manufactured in a manner that allows the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.

~~(2)~~(4) At the time a removable windshield placard is issued to a person with a disability that limits or impairs the ability to walk, the registrar or deputy registrar shall enter into the records of the bureau of motor vehicles the last date on which the person will have that disability, as indicated on the accompanying prescription. Not less than thirty days prior to that date and all removable windshield placard renewal dates, the bureau shall send a renewal notice to that person at the person's last known address as shown in the records of the bureau, informing the person that the person's removable windshield placard will expire on the indicated date not to exceed five years from the date of issuance, and that the person is required to renew the placard by submitting to the registrar or a deputy registrar another prescription, as described in division ~~(B)~~(C)(1) or (2) of this section, and by complying with the renewal provisions prescribed in division ~~(D)~~(1)(C)(3) of this section. If such a prescription is not received by the registrar or a deputy registrar by that date, the placard issued to that person expires and no longer is valid, and this fact shall be recorded in the records of the bureau.

~~(3)~~(5) At least once every year, on a date determined by the registrar, the bureau shall examine the records of the office of vital statistics, located within the department of health, that pertain to deceased persons, and also the bureau's records of all persons who have been issued removable windshield placards and temporary removable windshield placards. If the records of the office of vital statistics indicate that a person to whom a removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division ~~(D)~~(3)(C)(5) of this section.

~~(4)~~(6) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the ~~parking card or~~ special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

~~(E)~~(D)(1)(a) ~~Any~~ A person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable

windshield placard, presentation of the prescription from the 17124
applicant's health care provider, and payment of a service fee 17125
equal to the amount specified in division (D) or (G) of section 17126
4503.10 of the Revised Code, the registrar or deputy registrar 17127
shall issue to the applicant a temporary removable windshield 17128
placard. 17129

(b) Any active-duty member of the armed forces of the United 17130
States, including the reserve components of the armed forces and 17131
the national guard, who has an illness or injury that limits or 17132
impairs the ability to walk may apply to the registrar or a deputy 17133
registrar for a temporary removable windshield placard. With the 17134
application, the person shall present evidence of the person's 17135
active-duty status and the illness or injury. Evidence of the 17136
illness or injury may include a current department of defense 17137
convalescent leave statement, any department of defense document 17138
indicating that the person currently has an ill or injured 17139
casualty status or has limited duties, or a prescription from any 17140
health care provider prescribing the placard for the applicant. 17141
Upon receipt of the application and the necessary evidence, the 17142
registrar or deputy registrar shall issue the applicant the 17143
temporary removable windshield placard without the payment of any 17144
service fee. 17145

(2) The temporary removable windshield placard shall be of 17146
the same size and form as the removable windshield placard, shall 17147
be printed in white on a red-colored background, and shall bear 17148
the word "temporary" in letters of such size as the registrar 17149
shall prescribe. A temporary removable windshield placard also 17150
shall bear the date of expiration on the front and back of the 17151
placard, and shall be valid until expired, surrendered, or 17152
revoked, but in no case shall such a placard be valid for a period 17153
of less than sixty days. The registrar shall provide the 17154
application form and shall determine the information to be 17155

included on it, provided that the registrar shall not require a 17156
health care provider's prescription or certification for a person 17157
applying under division ~~(E)~~(D)(1)(b) of this section. The 17158
registrar also shall determine the material of which the temporary 17159
removable windshield placard is to be made and any other 17160
information to be included on the placard and shall adopt rules 17161
relating to the issuance, expiration, surrender, revocation, and 17162
proper display of those placards. Any temporary removable 17163
windshield placard issued after October 14, 1999, shall be 17164
manufactured in a manner that allows for the expiration date of 17165
the placard to be indicated on it through the punching, drilling, 17166
boring, or creation by any other means of holes in the placard. 17167

~~(F)~~(E) If an applicant for a removable windshield placard is 17168
a veteran of the armed forces of the United States whose 17169
disability, as defined in division (A)(1) of this section, is 17170
service-connected, the registrar or deputy registrar, upon receipt 17171
of the application, presentation of a signed statement from the 17172
applicant's health care provider certifying the applicant's 17173
disability, and presentation of such documentary evidence from the 17174
department of veterans affairs that the disability of the 17175
applicant meets at least one of the criteria identified in 17176
division (A)(1) of this section and is service-connected as the 17177
registrar may require by rule, but without the payment of any 17178
service fee, shall issue the applicant a removable windshield 17179
placard that is valid until expired, surrendered, or revoked. 17180

~~(G)~~(F) Upon a conviction of a violation of division (H) or 17181
(I), ~~(J)~~, or ~~(K)~~ of this section, the court shall report the 17182
conviction, and send the placard ~~or parking card~~, if available, to 17183
the registrar, who thereupon shall revoke the privilege of using 17184
the placard ~~or parking card~~ and send notice in writing to the 17185
placardholder ~~or cardholder~~ at that holder's last known address as 17186
shown in the records of the bureau, and the placardholder ~~or~~ 17187

~~cardholder~~ shall return the placard ~~or card~~ if not previously 17188
surrendered to the court, to the registrar within ten days 17189
following mailing of the notice. 17190

Whenever a person to whom a removable windshield placard ~~or~~ 17191
~~parking card~~ has been issued moves to another state, the person 17192
shall surrender the placard ~~or card~~ to the registrar; and whenever 17193
an organization to which a placard ~~or card~~ has been issued changes 17194
its place of operation to another state, the organization shall 17195
surrender the placard ~~or card~~ to the registrar. 17196

~~(H)~~(G) Subject to division (F) of section 4511.69 of the 17197
Revised Code, the operator of a motor vehicle displaying a 17198
removable windshield placard, temporary removable windshield 17199
placard, ~~parking card~~, or the special license plates authorized by 17200
this section is entitled to park the motor vehicle in any special 17201
parking location reserved for persons with disabilities that limit 17202
or impair the ability to walk, also known as handicapped parking 17203
spaces or disability parking spaces. 17204

~~(I)~~(H) No person or organization that is not eligible for the 17205
issuance of license plates or any placard under ~~division (B) or~~ 17206
~~(E)~~ of this section shall willfully and falsely represent that the 17207
person or organization is so eligible. 17208

No person or organization shall display license plates issued 17209
under this section unless the license plates have been issued for 17210
the vehicle on which they are displayed and are valid. 17211

~~(J)~~(I) No person or organization to which a removable 17212
windshield placard or temporary removable windshield placard is 17213
issued shall do either of the following: 17214

(1) Display or permit the display of the placard on any motor 17215
vehicle when having reasonable cause to believe the motor vehicle 17216
is being used in connection with an activity that does not include 17217
providing transportation for persons with disabilities that limit 17218

or impair the ability to walk;	17219
(2) Refuse to return or surrender the placard, when required.	17220
(K)(1) No person or organization to which a parking card is issued shall do either of the following:	17221
(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a person with a disability;	17222
(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a person with a disability;	17223
(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a person with a disability;	17224
(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a person with a disability;	17225
(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a person with a disability;	17226
(b) Refuse to return or surrender the parking card, when required.	17227
(b) Refuse to return or surrender the parking card, when required.	17228
(2) As used in division (K) of this section:	17229
(a) "Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other disabling condition.	17230
(a) "Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other disabling condition.	17231
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(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by persons with disabilities.	17236
(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by persons with disabilities.	17237
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(L)(J) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:	17242
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(L)(J) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:	17245
(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;	17246
(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;	17247
(2) Paying a service fee equal to the amount specified in	17248

division (D) or (G) of section 4503.10 of the Revised Code. 17249

Any placardholder or cardholder who loses a placard or card 17250
and, after obtaining a duplicate, finds the original, immediately 17251
shall surrender the original placard or card to the registrar. 17252

~~(M)~~(K)(1) The registrar shall pay all fees received under 17253
this section for the issuance of removable windshield placards or 17254
temporary removable windshield placards or duplicate removable 17255
windshield placards or cards into the state treasury to the credit 17256
of the state bureau of motor vehicles fund created in section 17257
4501.25 of the Revised Code. 17258

~~(N)~~(2) In addition to the fees collected under this section, 17259
the registrar or deputy registrar shall ask each person applying 17260
for a removable windshield placard or temporary removable 17261
windshield placard or duplicate removable windshield placard or 17262
license plate issued under this section, whether the person wishes 17263
to make a two-dollar voluntary contribution to support 17264
rehabilitation employment services. The registrar shall transmit 17265
the contributions received under this division to the treasurer of 17266
state for deposit into the rehabilitation employment fund, which 17267
is hereby created in the state treasury. A deputy registrar shall 17268
transmit the contributions received under this division to the 17269
registrar in the time and manner prescribed by the registrar. The 17270
contributions in the fund shall be used by the opportunities for 17271
Ohioans with disabilities agency to purchase services related to 17272
vocational evaluation, work adjustment, personal adjustment, job 17273
placement, job coaching, and community-based assessment from 17274
accredited community rehabilitation program facilities. 17275

~~(O)~~(L) For purposes of enforcing this section, every peace 17276
officer is deemed to be an agent of the registrar. Any peace 17277
officer or any authorized employee of the bureau of motor vehicles 17278
who, in the performance of duties authorized by law, becomes aware 17279
of a person whose placard or parking card has been revoked 17280

pursuant to this section, may confiscate that placard or parking 17281
card and return it to the registrar. The registrar shall prescribe 17282
any forms used by law enforcement agencies in administering this 17283
section. 17284

No peace officer, law enforcement agency employing a peace 17285
officer, or political subdivision or governmental agency employing 17286
a peace officer, and no employee of the bureau is liable in a 17287
civil action for damages or loss to persons arising out of the 17288
performance of any duty required or authorized by this section. As 17289
used in this division, "peace officer" has the same meaning as in 17290
division (B) of section 2935.01 of the Revised Code. 17291

~~(P)~~(M) All applications for registration of motor vehicles, 17292
removable windshield placards, and temporary removable windshield 17293
placards issued under this section, all renewal notices for such 17294
items, and all other publications issued by the bureau that relate 17295
to this section shall set forth the criminal penalties that may be 17296
imposed upon a person who violates any provision relating to 17297
special license plates issued under this section, the parking of 17298
vehicles displaying such license plates, and the issuance, 17299
procurement, use, and display of removable windshield placards and 17300
temporary removable windshield placards issued under this section. 17301

~~(Q)~~(N) Whoever violates this section is guilty of a 17302
misdemeanor of the fourth degree. 17303

Sec. 4511.191. (A)(1) As used in this section: 17304

(a) "Physical control" has the same meaning as in section 17305
4511.194 of the Revised Code. 17306

(b) "Alcohol monitoring device" means any device that 17307
provides for continuous alcohol monitoring, any ignition interlock 17308
device, any immobilizing or disabling device other than an 17309
ignition interlock device that is constantly available to monitor 17310

the concentration of alcohol in a person's system, or any other 17311
device that provides for the automatic testing and periodic 17312
reporting of alcohol consumption by a person and that a court 17313
orders a person to use as a sanction imposed as a result of the 17314
person's conviction of or plea of guilty to an offense. 17315

(2) Any person who operates a vehicle, streetcar, or 17316
trackless trolley upon a highway or any public or private property 17317
used by the public for vehicular travel or parking within this 17318
state or who is in physical control of a vehicle, streetcar, or 17319
trackless trolley shall be deemed to have given consent to a 17320
chemical test or tests of the person's whole blood, blood serum or 17321
plasma, breath, or urine to determine the alcohol, drug of abuse, 17322
controlled substance, metabolite of a controlled substance, or 17323
combination content of the person's whole blood, blood serum or 17324
plasma, breath, or urine if arrested for a violation of division 17325
(A) or (B) of section 4511.19 of the Revised Code, section 17326
4511.194 of the Revised Code or a substantially equivalent 17327
municipal ordinance, or a municipal OVI ordinance. 17328

(3) The chemical test or tests under division (A)(2) of this 17329
section shall be administered at the request of a law enforcement 17330
officer having reasonable grounds to believe the person was 17331
operating or in physical control of a vehicle, streetcar, or 17332
trackless trolley in violation of a division, section, or 17333
ordinance identified in division (A)(2) of this section. The law 17334
enforcement agency by which the officer is employed shall 17335
designate which of the tests shall be administered. 17336

(4) Any person who is dead or unconscious, or who otherwise 17337
is in a condition rendering the person incapable of refusal, shall 17338
be deemed to have consented as provided in division (A)(2) of this 17339
section, and the test or tests may be administered, subject to 17340
sections 313.12 to 313.16 of the Revised Code. 17341

(5)(a) If a law enforcement officer arrests a person for a 17342

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 submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining 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. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the

person's whole blood or blood serum or plasma is immune from 17376
criminal and civil liability based upon a claim for assault and 17377
battery or any other claim for the acts, unless the officer so 17378
acted with malicious purpose, in bad faith, or in a wanton or 17379
reckless manner. 17380

(B)(1) Upon receipt of the sworn report of a law enforcement 17381
officer who arrested a person for a violation of division (A) or 17382
(B) of section 4511.19 of the Revised Code, section 4511.194 of 17383
the Revised Code or a substantially equivalent municipal 17384
ordinance, or a municipal OVI ordinance that was completed and 17385
sent to the registrar of motor vehicles and a court pursuant to 17386
section 4511.192 of the Revised Code in regard to a person who 17387
refused to take the designated chemical test, the registrar shall 17388
enter into the registrar's records the fact that the person's 17389
driver's or commercial driver's license or permit or nonresident 17390
operating privilege was suspended by the arresting officer under 17391
this division and that section and the period of the suspension, 17392
as determined under this section. The suspension shall be subject 17393
to appeal as provided in section 4511.197 of the Revised Code. The 17394
suspension shall be for whichever of the following periods 17395
applies: 17396

(a) Except when division (B)(1)(b), (c), or (d) of this 17397
section applies and specifies a different class or length of 17398
suspension, the suspension shall be a class C suspension for the 17399
period of time specified in division (B)(3) of section 4510.02 of 17400
the Revised Code. 17401

(b) If the arrested person, within six years of the date on 17402
which the person refused the request to consent to the chemical 17403
test, had refused one previous request to consent to a chemical 17404
test or had been convicted of or pleaded guilty to one violation 17405
of division (A) or (B) of section 4511.19 of the Revised Code or 17406
one other equivalent offense, the suspension shall be a class B 17407

suspension imposed for the period of time specified in division 17408
(B)(2) of section 4510.02 of the Revised Code. 17409

(c) If the arrested person, within six years of the date on 17410
which the person refused the request to consent to the chemical 17411
test, had refused two previous requests to consent to a chemical 17412
test, had been convicted of or pleaded guilty to two violations of 17413
division (A) or (B) of section 4511.19 of the Revised Code or 17414
other equivalent offenses, or had refused one previous request to 17415
consent to a chemical test and also had been convicted of or 17416
pleaded guilty to one violation of division (A) or (B) of section 17417
4511.19 of the Revised Code or other equivalent offenses, which 17418
violation or offense arose from an incident other than the 17419
incident that led to the refusal, the suspension shall be a class 17420
A suspension imposed for the period of time specified in division 17421
(B)(1) of section 4510.02 of the Revised Code. 17422

(d) If the arrested person, within six years of the date on 17423
which the person refused the request to consent to the chemical 17424
test, had refused three or more previous requests to consent to a 17425
chemical test, had been convicted of or pleaded guilty to three or 17426
more violations of division (A) or (B) of section 4511.19 of the 17427
Revised Code or other equivalent offenses, or had refused a number 17428
of previous requests to consent to a chemical test and also had 17429
been convicted of or pleaded guilty to a number of violations of 17430
division (A) or (B) of section 4511.19 of the Revised Code or 17431
other equivalent offenses that cumulatively total three or more 17432
such refusals, convictions, and guilty pleas, the suspension shall 17433
be for five years. 17434

(2) The registrar shall terminate a suspension of the 17435
driver's or commercial driver's license or permit of a resident or 17436
of the operating privilege of a nonresident, or a denial of a 17437
driver's or commercial driver's license or permit, imposed 17438
pursuant to division (B)(1) of this section upon receipt of notice 17439

that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, 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 (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, 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 section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the

Revised Code. The suspension described in this division does not 17472
apply to, and shall not be imposed upon, a person arrested for a 17473
violation of section 4511.194 of the Revised Code or a 17474
substantially equivalent municipal ordinance who submits to a 17475
designated chemical test. The suspension shall be for whichever of 17476
the following periods applies: 17477

(a) Except when division (C)(1)(b), (c), or (d) of this 17478
section applies and specifies a different period, the suspension 17479
shall be a class E suspension imposed for the period of time 17480
specified in division (B)(5) of section 4510.02 of the Revised 17481
Code. 17482

(b) The suspension shall be a class C suspension for the 17483
period of time specified in division (B)(3) of section 4510.02 of 17484
the Revised Code if the person has been convicted of or pleaded 17485
guilty to, within six years of the date the test was conducted, 17486
one violation of division (A) or (B) of section 4511.19 of the 17487
Revised Code or one other equivalent offense. 17488

(c) If, within six years of the date the test was conducted, 17489
the person has been convicted of or pleaded guilty to two 17490
violations of a statute or ordinance described in division 17491
(C)(1)(b) of this section, the suspension shall be a class B 17492
suspension imposed for the period of time specified in division 17493
(B)(2) of section 4510.02 of the Revised Code. 17494

(d) If, within six years of the date the test was conducted, 17495
the person has been convicted of or pleaded guilty to more than 17496
two violations of a statute or ordinance described in division 17497
(C)(1)(b) of this section, the suspension shall be a class A 17498
suspension imposed for the period of time specified in division 17499
(B)(1) of section 4510.02 of the Revised Code. 17500

(2) The registrar shall terminate a suspension of the 17501
driver's or commercial driver's license or permit of a resident or 17502

of the operating privilege of a nonresident, or a denial of a 17503
driver's or commercial driver's license or permit, imposed 17504
pursuant to division (C)(1) of this section upon receipt of notice 17505
that the person has entered a plea of guilty to, or that the 17506
person has been convicted after entering a plea of no contest to, 17507
operating a vehicle in violation of section 4511.19 of the Revised 17508
Code or in violation of a municipal OVI ordinance, if the offense 17509
for which the conviction is had or the plea is entered arose from 17510
the same incident that led to the suspension or denial. 17511

The registrar shall credit against any judicial suspension of 17512
a person's driver's or commercial driver's license or permit or 17513
nonresident operating privilege imposed pursuant to section 17514
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 17515
Revised Code for a violation of a municipal OVI ordinance, any 17516
time during which the person serves a related suspension imposed 17517
pursuant to division (C)(1) of this section. 17518

(D)(1) A suspension of a person's driver's or commercial 17519
driver's license or permit or nonresident operating privilege 17520
under this section for the time described in division (B) or (C) 17521
of this section is effective immediately from the time at which 17522
the arresting officer serves the notice of suspension upon the 17523
arrested person. Any subsequent finding that the person is not 17524
guilty of the charge that resulted in the person being requested 17525
to take the chemical test or tests under division (A) of this 17526
section does not affect the suspension. 17527

(2) If a person is arrested for operating a vehicle, 17528
streetcar, or trackless trolley in violation of division (A) or 17529
(B) of section 4511.19 of the Revised Code or a municipal OVI 17530
ordinance, or for being in physical control of a vehicle, 17531
streetcar, or trackless trolley in violation of section 4511.194 17532
of the Revised Code or a substantially equivalent municipal 17533
ordinance, regardless of whether the person's driver's or 17534

commercial driver's license or permit or nonresident operating 17535
privilege is or is not suspended under division (B) or (C) of this 17536
section or Chapter 4510. of the Revised Code, the person's initial 17537
appearance on the charge resulting from the arrest shall be held 17538
within five days of the person's arrest or the issuance of the 17539
citation to the person, subject to any continuance granted by the 17540
court pursuant to section 4511.197 of the Revised Code regarding 17541
the issues specified in that division. 17542

(E) When it finally has been determined under the procedures 17543
of this section and sections 4511.192 to 4511.197 of the Revised 17544
Code that a nonresident's privilege to operate a vehicle within 17545
this state has been suspended, the registrar shall give 17546
information in writing of the action taken to the motor vehicle 17547
administrator of the state of the person's residence and of any 17548
state in which the person has a license. 17549

(F) At the end of a suspension period under this section, 17550
under section 4511.194, section 4511.196, or division (G) of 17551
section 4511.19 of the Revised Code, or under section 4510.07 of 17552
the Revised Code for a violation of a municipal OVI ordinance and 17553
upon the request of the person whose driver's or commercial 17554
driver's license or permit was suspended and who is not otherwise 17555
subject to suspension, cancellation, or disqualification, the 17556
registrar shall return the driver's or commercial driver's license 17557
or permit to the person upon the occurrence of all of the 17558
conditions specified in divisions (F)(1) and (2) of this section: 17559

(1) A showing that the person has proof of financial 17560
responsibility, a policy of liability insurance in effect that 17561
meets the minimum standards set forth in section 4509.51 of the 17562
Revised Code, or proof, to the satisfaction of the registrar, that 17563
the person is able to respond in damages in an amount at least 17564
equal to the minimum amounts specified in section 4509.51 of the 17565
Revised Code. 17566

(2) Subject to the limitation contained in division (F)(3) of 17567
this section, payment by the person to the registrar or an 17568
eligible deputy registrar of a license reinstatement fee of four 17569
hundred seventy-five dollars, which fee shall be deposited in the 17570
state treasury and credited as follows: 17571

(a) One hundred twelve dollars and fifty cents shall be 17572
credited to the statewide treatment and prevention fund created by 17573
section 4301.30 of the Revised Code. Money credited to the fund 17574
under this section shall be used for purposes identified under 17575
section 5119.22 of the Revised Code. 17576

(b) Seventy-five dollars shall be credited to the reparations 17577
fund created by section 2743.191 of the Revised Code. 17578

(c) Thirty-seven dollars and fifty cents shall be credited to 17579
the indigent drivers alcohol treatment fund, which is hereby 17580
established in the state treasury. ~~Except as otherwise provided in~~ 17581
~~division (F)(2)(c) of this section, moneys in the fund shall be~~ 17582
~~distributed by the~~ The department of mental health and addiction 17583
services shall distribute the moneys in that fund to the county 17584
indigent drivers alcohol treatment funds, the county juvenile 17585
indigent drivers alcohol treatment funds, and the municipal 17586
indigent drivers alcohol treatment funds that are required to be 17587
established by counties and municipal corporations pursuant to 17588
division (H) of this section, ~~and shall to~~ be used only ~~to pay the~~ 17589
~~cost of an alcohol and drug addiction treatment program attended~~ 17590
~~by an offender or juvenile traffic offender who is ordered to~~ 17591
~~attend an alcohol and drug addiction treatment program by a~~ 17592
~~county, juvenile, or municipal court judge and who is determined~~ 17593
~~by the county, juvenile, or municipal court judge not to have the~~ 17594
~~means to pay for the person's attendance at the program or to pay~~ 17595
~~the costs specified in division (H)(4) of this section in~~ 17596
~~accordance with that division. In addition, a county, juvenile, or~~ 17597
~~municipal court judge may use moneys in the county indigent~~ 17598

~~drivers alcohol treatment fund, county juvenile indigent drivers~~ 17599
~~alcohol treatment fund, or municipal indigent drivers alcohol~~ 17600
~~treatment fund to pay for the cost of the continued use of an~~ 17601
~~alcohol monitoring device as described in divisions (H)(3) and (4)~~ 17602
~~of this section as provided in division (H)(3) of this section.~~ 17603
Moneys in the fund that are not distributed to a county indigent 17604
drivers alcohol treatment fund, a county juvenile indigent drivers 17605
alcohol treatment fund, or a municipal indigent drivers alcohol 17606
treatment fund under division (H) of this section because the 17607
director of mental health and addiction services does not have the 17608
information necessary to identify the county or municipal 17609
corporation where the offender or juvenile offender was arrested 17610
may be transferred by the director of budget and management to the 17611
statewide treatment and prevention fund created by section 4301.30 17612
of the Revised Code, upon certification of the amount by the 17613
director of mental health and addiction services. 17614

(d) Seventy-five dollars shall be credited to the 17615
opportunities for Ohioans with disabilities agency established by 17616
section 3304.15 of the Revised Code, to the services for 17617
rehabilitation fund, which is hereby established. The fund shall 17618
be used to match available federal matching funds where 17619
appropriate, and for any other purpose or program of the agency to 17620
rehabilitate persons with disabilities to help them become 17621
employed and independent. 17622

(e) Seventy-five dollars shall be deposited into the state 17623
treasury and credited to the drug abuse resistance education 17624
programs fund, which is hereby established, to be used by the 17625
attorney general for the purposes specified in division (F)(4) of 17626
this section. 17627

(f) Thirty dollars shall be credited to the state bureau of 17628
motor vehicles fund created by section 4501.25 of the Revised 17629
Code. 17630

(g) Twenty dollars shall be credited to the trauma and 17631
emergency medical services fund created by section 4513.263 of the 17632
Revised Code. 17633

(h) Fifty dollars shall be credited to the indigent drivers 17634
interlock and alcohol monitoring fund, which is hereby established 17635
in the state treasury. Moneys in the fund shall be distributed by 17636
the department of public safety to the county indigent drivers 17637
interlock and alcohol monitoring funds, the county juvenile 17638
indigent drivers interlock and alcohol monitoring funds, and the 17639
municipal indigent drivers interlock and alcohol monitoring funds 17640
that are required to be established by counties and municipal 17641
corporations pursuant to this section, and shall be used only to 17642
pay the cost of an immobilizing or disabling device, including a 17643
certified ignition interlock device, or an alcohol monitoring 17644
device used by an offender or juvenile offender who is ordered to 17645
use the device by a county, juvenile, or municipal court judge and 17646
who is determined by the county, juvenile, or municipal court 17647
judge not to have the means to pay for the person's use of the 17648
device. 17649

(3) If a person's driver's or commercial driver's license or 17650
permit is suspended under this section, under section 4511.196 or 17651
division (G) of section 4511.19 of the Revised Code, under section 17652
4510.07 of the Revised Code for a violation of a municipal OVI 17653
ordinance or under any combination of the suspensions described in 17654
division (F)(3) of this section, and if the suspensions arise from 17655
a single incident or a single set of facts and circumstances, the 17656
person is liable for payment of, and shall be required to pay to 17657
the registrar or an eligible deputy registrar, only one 17658
reinstatement fee of four hundred seventy-five dollars. The 17659
reinstatement fee shall be distributed by the bureau in accordance 17660
with division (F)(2) of this section. 17661

(4) The attorney general shall use amounts in the drug abuse 17662

resistance education programs fund to award grants to law 17663
enforcement agencies to establish and implement drug abuse 17664
resistance education programs in public schools. Grants awarded to 17665
a law enforcement agency under this section shall be used by the 17666
agency to pay for not more than fifty per cent of the amount of 17667
the salaries of law enforcement officers who conduct drug abuse 17668
resistance education programs in public schools. The attorney 17669
general shall not use more than six per cent of the amounts the 17670
attorney general's office receives under division (F)(2)(e) of 17671
this section to pay the costs it incurs in administering the grant 17672
program established by division (F)(2)(e) of this section and in 17673
providing training and materials relating to drug abuse resistance 17674
education programs. 17675

The attorney general shall report to the governor and the 17676
general assembly each fiscal year on the progress made in 17677
establishing and implementing drug abuse resistance education 17678
programs. These reports shall include an evaluation of the 17679
effectiveness of these programs. 17680

(5) In addition to the reinstatement fee under this section, 17681
if the person pays the reinstatement fee to a deputy registrar, 17682
the deputy registrar shall collect a service fee of ten dollars to 17683
compensate the deputy registrar for services performed under this 17684
section. The deputy registrar shall retain eight dollars of the 17685
service fee and shall transmit the reinstatement fee, plus two 17686
dollars of the service fee, to the registrar in the manner the 17687
registrar shall determine. 17688

(G) Suspension of a commercial driver's license under 17689
division (B) or (C) of this section shall be concurrent with any 17690
period of disqualification under section 3123.611 or 4506.16 of 17691
the Revised Code or any period of suspension under section 3123.58 17692
of the Revised Code. No person who is disqualified for life from 17693
holding a commercial driver's license under section 4506.16 of the 17694

Revised Code shall be issued a driver's license under Chapter 17695
4507. of the Revised Code during the period for which the 17696
commercial driver's license was suspended under division (B) or 17697
(C) of this section. No person whose commercial driver's license 17698
is suspended under division (B) or (C) of this section shall be 17699
issued a driver's license under Chapter 4507. of the Revised Code 17700
during the period of the suspension. 17701

(H)(1) Each county shall establish an indigent drivers 17702
alcohol treatment fund,~~each county shall establish~~ and a juvenile 17703
indigent drivers alcohol treatment fund,~~and each.~~ Each municipal 17704
corporation in which there is a municipal court shall establish an 17705
indigent drivers alcohol treatment fund. All revenue that the 17706
general assembly appropriates to the indigent drivers alcohol 17707
treatment fund for transfer to a county indigent drivers alcohol 17708
treatment fund, a county juvenile indigent drivers alcohol 17709
treatment fund, or a municipal indigent drivers alcohol treatment 17710
fund, all portions of fees that are paid under division (F) of 17711
this section and that are credited under that division to the 17712
indigent drivers alcohol treatment fund in the state treasury for 17713
a county indigent drivers alcohol treatment fund, a county 17714
juvenile indigent drivers alcohol treatment fund, or a municipal 17715
indigent drivers alcohol treatment fund, all portions of 17716
additional costs imposed under section 2949.094 of the Revised 17717
Code that are specified for deposit into a county, county 17718
juvenile, or municipal indigent drivers alcohol treatment fund by 17719
that section, and all portions of fines that are specified for 17720
deposit into a county or municipal indigent drivers alcohol 17721
treatment fund by section 4511.193 of the Revised Code shall be 17722
deposited into that county indigent drivers alcohol treatment 17723
fund, county juvenile indigent drivers alcohol treatment fund, or 17724
municipal indigent drivers alcohol treatment fund. The portions of 17725
the fees paid under division (F) of this section that are to be so 17726
deposited shall be determined in accordance with division (H)(2) 17727

of this section. Additionally, all portions of fines that are paid 17728
for a violation of section 4511.19 of the Revised Code or of any 17729
prohibition contained in Chapter 4510. of the Revised Code, and 17730
that are required under section 4511.19 or any provision of 17731
Chapter 4510. of the Revised Code to be deposited into a county 17732
indigent drivers alcohol treatment fund or municipal indigent 17733
drivers alcohol treatment fund shall be deposited into the 17734
appropriate fund in accordance with the applicable division of the 17735
section or provision. 17736

(2) That portion of the license reinstatement fee that is 17737
paid under division (F) of this section and that is credited under 17738
that division to the indigent drivers alcohol treatment fund shall 17739
be deposited into a county indigent drivers alcohol treatment 17740
fund, a county juvenile indigent drivers alcohol treatment fund, 17741
or a municipal indigent drivers alcohol treatment fund as follows: 17742

(a) Regarding a suspension imposed under this section, that 17743
portion of the fee shall be deposited as follows: 17744

(i) If the fee is paid by a person who was charged in a 17745
county court with the violation that resulted in the suspension or 17746
in the imposition of the court costs, the portion shall be 17747
deposited into the county indigent drivers alcohol treatment fund 17748
under the control of that court; 17749

(ii) If the fee is paid by a person who was charged in a 17750
juvenile court with the violation that resulted in the suspension 17751
or in the imposition of the court costs, the portion shall be 17752
deposited into the county juvenile indigent drivers alcohol 17753
treatment fund established in the county served by the court; 17754

(iii) If the fee is paid by a person who was charged in a 17755
municipal court with the violation that resulted in the suspension 17756
or in the imposition of the court costs, the portion shall be 17757
deposited into the municipal indigent drivers alcohol treatment 17758

fund under the control of that court. 17759

(b) Regarding a suspension imposed under section 4511.19 of 17760
the Revised Code or under section 4510.07 of the Revised Code for 17761
a violation of a municipal OVI ordinance, that portion of the fee 17762
shall be deposited as follows: 17763

(i) If the fee is paid by a person whose license or permit 17764
was suspended by a county court, the portion shall be deposited 17765
into the county indigent drivers alcohol treatment fund under the 17766
control of that court; 17767

(ii) If the fee is paid by a person whose license or permit 17768
was suspended by a municipal court, the portion shall be deposited 17769
into the municipal indigent drivers alcohol treatment fund under 17770
the control of that court. 17771

(3) ~~Expenditures~~ (a) As used in division (H)(3) of this 17772
section, "indigent person" means a person who is convicted of a 17773
violation of division (A) or (B) of section 4511.19 of the Revised 17774
Code or a substantially similar municipal ordinance or found to be 17775
a juvenile traffic offender by reason of a violation of division 17776
(A) or (B) of section 4511.19 of the Revised Code or a 17777
substantially similar municipal ordinance, who is ordered by the 17778
court to attend an alcohol and drug addiction treatment program, 17779
and who is determined by the court under division (H)(5) of this 17780
section to be unable to pay the cost of the assessment or the cost 17781
of attendance at the treatment program. 17782

(b) A county, juvenile, or municipal court judge, by order, 17783
may make expenditures from a county indigent drivers alcohol 17784
treatment fund, a county juvenile indigent drivers alcohol 17785
treatment fund, or a municipal indigent drivers alcohol treatment 17786
fund ~~shall be made only upon the order of a county, juvenile, or~~ 17787
~~municipal court judge and only for payment of the cost of an~~ 17788
~~assessment or the cost of the attendance at an alcohol and drug~~ 17789

~~addiction treatment program of a with respect to an indigent 17790
person who is convicted of, or found to be a juvenile traffic 17791
offender by reason of, a violation of division (A) of section 17792
4511.19 of the Revised Code or a substantially similar municipal 17793
ordinance, who is ordered by the court to attend the alcohol and 17794
drug addiction treatment program, and who is determined by the 17795
court to be unable to pay the cost of the assessment or the cost 17796
of attendance at the treatment program or for payment of the costs 17797
specified in division (H)(4) of this section in accordance with 17798
that division. The for any of the following: 17799~~

~~(i) To pay the cost of an assessment that is conducted by an 17800
appropriately licensed clinician at either a driver intervention 17801
program that is certified under section 5119.38 of the Revised 17802
Code or at a community addiction services provider that is 17803
certified under section 5119.36 of the Revised Code; 17804~~

~~(ii) To pay the cost of alcohol addiction services, drug 17805
addiction services, or integrated alcohol and drug addiction 17806
services at a community addiction services provider that is 17807
certified under section 5119.36 of the Revised Code; 17808~~

~~(iii) To pay the cost of transportation to attend an 17809
assessment as provided under division (H)(3)(b)(i) of this section 17810
or addiction services as provided under division (H)(3)(b)(ii) of 17811
this section. 17812~~

~~The alcohol and drug addiction services board or the board of 17813
alcohol, drug addiction, and mental health services established 17814
pursuant to section 340.02 or 340.021 of the Revised Code and 17815
serving the alcohol, drug addiction, and mental health service 17816
district in which the court is located shall administer the 17817
indigent drivers alcohol treatment program of the court. When a 17818
court orders an offender or juvenile traffic offender to obtain an 17819
assessment or attend an alcohol and drug addiction treatment 17820
program, the board shall determine which program is suitable to 17821~~

meet the needs of the offender or juvenile traffic offender, and 17822
when a suitable program is located and space is available at the 17823
program, the offender or juvenile traffic offender shall attend 17824
the program designated by the board. A reasonable amount not to 17825
exceed five per cent of the amounts credited to and deposited into 17826
the county indigent drivers alcohol treatment fund, the county 17827
juvenile indigent drivers alcohol treatment fund, or the municipal 17828
indigent drivers alcohol treatment fund serving every court whose 17829
program is administered by that board shall be paid to the board 17830
to cover the costs it incurs in administering those indigent 17831
drivers alcohol treatment programs. 17832

~~In addition, upon~~ (c) Upon exhaustion of moneys in the 17833
indigent drivers interlock and alcohol monitoring fund for the use 17834
of an alcohol monitoring device, a county, juvenile, or municipal 17835
court judge may use moneys in the county indigent drivers alcohol 17836
treatment fund, county juvenile indigent drivers alcohol treatment 17837
fund, or municipal indigent drivers alcohol treatment fund in 17838
either of the following manners: 17839

~~(a)~~(i) If the source of the moneys was an appropriation of 17840
the general assembly, a portion of a fee that was paid under 17841
division (F) of this section, a portion of a fine that was 17842
specified for deposit into the fund by section 4511.193 of the 17843
Revised Code, or a portion of a fine that was paid for a violation 17844
of section 4511.19 of the Revised Code or of a provision contained 17845
in Chapter 4510. of the Revised Code that was required to be 17846
deposited into the fund, to pay for the continued use of an 17847
alcohol monitoring device by an offender or juvenile traffic 17848
offender, in conjunction with a treatment program approved by the 17849
department of mental health and addiction services, when such use 17850
is determined clinically necessary by the treatment program and 17851
when the court determines that the offender or juvenile traffic 17852
offender is unable to pay all or part of the daily monitoring or 17853

cost of the device; 17854

~~(b)~~(ii) If the source of the moneys was a portion of an 17855
additional court cost imposed under section 2949.094 of the 17856
Revised Code, to pay for the continued use of an alcohol 17857
monitoring device by an offender or juvenile traffic offender when 17858
the court determines that the offender or juvenile traffic 17859
offender is unable to pay all or part of the daily monitoring or 17860
cost of the device. The moneys may be used for a device as 17861
described in this division if the use of the device is in 17862
conjunction with a treatment program approved by the department of 17863
mental health and addiction services, when the use of the device 17864
is determined clinically necessary by the treatment program, but 17865
the use of a device is not required to be in conjunction with a 17866
treatment program approved by the department in order for the 17867
moneys to be used for the device as described in this division. 17868

(4) If a county, juvenile, or municipal court determines, in 17869
consultation with the alcohol and drug addiction services board or 17870
the board of alcohol, drug addiction, and mental health services 17871
established pursuant to section 340.02 or 340.021 of the Revised 17872
Code and serving the alcohol, drug addiction, and mental health 17873
district in which the court is located, that the funds in the 17874
county indigent drivers alcohol treatment fund, the county 17875
juvenile indigent drivers alcohol treatment fund, or the municipal 17876
indigent drivers alcohol treatment fund under the control of the 17877
court are more than sufficient to satisfy the purpose for which 17878
the fund was established, as specified in divisions (H)(1) to (3) 17879
of this section, the court may declare a surplus in the fund. If 17880
the court declares a surplus in the fund, the court may ~~expend~~ 17881
take any of the following actions with regard to the amount of the 17882
surplus in the fund ~~for~~: 17883

(a) ~~Alcohol~~ Expend any of the surplus amount for alcohol and 17884
drug abuse assessment and treatment, and for the cost of 17885

transportation related to assessment and treatment, of persons who 17886
are charged in the court with committing a criminal offense or 17887
with being a delinquent child or juvenile traffic offender and in 17888
relation to whom both of the following apply: 17889

(i) The court determines that substance abuse was a 17890
contributing factor leading to the criminal or delinquent activity 17891
or the juvenile traffic offense with which the person is charged. 17892

(ii) The court determines that the person is unable to pay 17893
the cost of the alcohol and drug abuse assessment and treatment 17894
for which the surplus money will be used. 17895

(b) ~~All~~ Expend any of the surplus amount to pay all or part 17896
of the cost of purchasing alcohol monitoring devices to be used in 17897
conjunction with division (H)(3)(c) of this section, upon 17898
exhaustion of moneys in the indigent drivers interlock and alcohol 17899
monitoring fund for the use of an alcohol monitoring device. 17900

(c) Transfer to another court in the same county any of the 17901
surplus amount to be utilized in a manner consistent with division 17902
(H)(3) of this section. If surplus funds are transferred to 17903
another court, the court that transfers the funds shall notify the 17904
alcohol and drug addiction services board or the board of alcohol, 17905
drug addiction, and mental health services that serves the 17906
alcohol, drug addiction, and mental health service district in 17907
which that court is located. 17908

(d) Transfer to the alcohol and drug addiction services board 17909
or the board of alcohol, drug addiction, and mental health 17910
services that serves the alcohol, drug addiction, and mental 17911
health service district in which the court is located any of the 17912
surplus amount to be utilized in a manner consistent with division 17913
(H)(3) of this section or for board contracted recovery support 17914
services. 17915

~~(5) For the purpose of determining as described in division~~ 17916

~~(F)(2)(c) of this section whether~~ In order to determine if an 17917
offender does not have the means to pay for the offender's 17918
attendance at an alcohol and drug addiction treatment program for 17919
purposes of division (H)(3) of this section or ~~whether if an~~ 17920
alleged offender or delinquent child is unable to pay the costs 17921
specified in division (H)(4) of this section, the court shall use 17922
the indigent client eligibility guidelines and the standards of 17923
indigency established by the state public defender to make the 17924
determination. 17925

(6) The court shall identify and refer any community 17926
addiction services provider that is not certified under section 17927
5119.36 of the Revised Code and that is interested in receiving 17928
amounts from the surplus in the fund declared under division 17929
(H)(4) of this section to the department of mental health and 17930
addiction services in order for the services provider to become a 17931
certified community addiction services provider. The department 17932
shall keep a record of applicant referrals received pursuant to 17933
this division and shall submit a report on the referrals each year 17934
to the general assembly. If a services provider interested in 17935
becoming certified makes an application to become certified 17936
pursuant to section 5119.36 of the Revised Code, the services 17937
provider is eligible to receive surplus funds as long as the 17938
application is pending with the department. The department of 17939
mental health and addiction services must offer technical 17940
assistance to the applicant. If the interested services provider 17941
withdraws the certification application, the department must 17942
notify the court, and the court shall not provide the interested 17943
services provider with any further surplus funds. 17944

(7)(a) Each alcohol and drug addiction services board and 17945
board of alcohol, drug addiction, and mental health services 17946
established pursuant to section 340.02 or 340.021 of the Revised 17947
Code shall submit to the department of mental health and addiction 17948

services an annual report for each indigent drivers alcohol 17949
treatment fund in that board's area. 17950

(b) The report, which shall be submitted not later than sixty 17951
days after the end of the state fiscal year, shall provide the 17952
total payment that was made from the fund, including the number of 17953
indigent consumers that received treatment services and the number 17954
of indigent consumers that received an alcohol monitoring device. 17955
The report shall identify the treatment program and expenditure 17956
for an alcohol monitoring device for which that payment was made. 17957
The report shall include the fiscal year balance of each indigent 17958
drivers alcohol treatment fund located in that board's area. In 17959
the event that a surplus is declared in the fund pursuant to 17960
division (H)(4) of this section, the report also shall provide the 17961
total payment that was made from the surplus moneys and identify 17962
the ~~treatment program and expenditure for an alcohol monitoring~~ 17963
~~device~~ authorized purpose for which that payment was made. 17964

(c) If a board is unable to obtain adequate information to 17965
develop the report to submit to the department for a particular 17966
indigent drivers alcohol treatment fund, the board shall submit a 17967
report detailing the effort made in obtaining the information. 17968

(I)(1) Each county shall establish an indigent drivers 17969
interlock and alcohol monitoring fund and a juvenile indigent 17970
drivers interlock and alcohol treatment fund, ~~and each.~~ Each 17971
municipal corporation in which there is a municipal court shall 17972
establish an indigent drivers interlock and alcohol monitoring 17973
fund. All revenue that the general assembly appropriates to the 17974
indigent drivers interlock and alcohol monitoring fund for 17975
transfer to a county indigent drivers interlock and alcohol 17976
monitoring fund, a county juvenile indigent drivers interlock and 17977
alcohol monitoring fund, or a municipal indigent drivers interlock 17978
and alcohol monitoring fund, all portions of license reinstatement 17979
fees that are paid under division (F)(2) of this section and that 17980

are credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

(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:

(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.

(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.

(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 suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F)(2)(h) of this section, the court may declare a surplus in the fund. The court then may order the transfer of a specified amount into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of that court to be utilized in accordance with division (H) of this section.

Sec. 4715.14. (A)(1) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of two hundred forty-five dollars. Except as provided in division (E) of this section, this fee shall be paid to the treasurer of state. Subject to division (C) of this section, a registration shall be in effect for the two-year period beginning on the first day of January of the even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(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 18045
benzodiazepines, the licensee shall certify to the board whether 18046
the licensee has been granted access to the drug database 18047
established and maintained by the state board of pharmacy pursuant 18048
to section 4729.75 of the Revised Code. 18049

(b) The requirement in division (A)(2)(a) of this section 18050
does not apply if either of the following is the case: 18051

(i) The state board of pharmacy notifies the state dental 18052
board pursuant to section 4729.861 of the Revised Code that the 18053
licensee has been restricted from obtaining further information 18054
from the drug database. 18055

(ii) The state board of pharmacy no longer maintains the drug 18056
database. 18057

(3) If a licensee certifies to the state dental board that 18058
the licensee has been granted access to the drug database and the 18059
board finds through an audit or other means that the licensee has 18060
not been granted access, the board may take action under section 18061
4715.30 of the Revised Code. 18062

(B) A licensed dentist who desires to temporarily retire from 18063
practice and who has given the board notice in writing to that 18064
effect shall be granted such a retirement, provided only that at 18065
that time all previous registration fees and additional costs of 18066
reinstatement have been paid. 18067

(C) Not later than the thirty-first day of January of an 18068
even-numbered year, the board shall send a notice by certified 18069
mail to a dentist who fails to renew a license in accordance with 18070
division (A) of this section. The notice shall state all of the 18071
following: 18072

(1) That the board has not received the registration form and 18073
fee described in that division; 18074

(2) That the license shall remain valid and in good standing 18075
until the first day of April following the last day of December of 18076
the odd-numbered year in which the dentist was scheduled to renew 18077
if the dentist remains in compliance with all other applicable 18078
provisions of this chapter and any rule adopted under it; 18079

(3) That the license may be renewed until the first day of 18080
April following the last day of December of the odd-numbered year 18081
in which the dentist was scheduled to renew by the payment of the 18082
biennial registration fee and an additional fee of one hundred 18083
dollars to cover the cost of late renewal; 18084

(4) That unless the board receives the registration form and 18085
fee before the first day of April following the last day of 18086
December of the odd-numbered year in which the dentist was 18087
scheduled to renew, the board may, on or after the relevant first 18088
day of April, initiate disciplinary action against the dentist 18089
pursuant to Chapter 119. of the Revised Code; 18090

(5) That a dentist whose license has been suspended as a 18091
result of disciplinary action initiated pursuant to division 18092
(C)(4) of this section may be reinstated by the payment of the 18093
biennial registration fee and an additional fee of three hundred 18094
dollars to cover the cost of reinstatement. 18095

(D) Each dentist licensed to practice, whether a resident or 18096
not, shall notify the secretary in writing or electronically of 18097
any change in the dentist's office address or employment within 18098
ten days after such change has taken place. On the first day of 18099
July of every even-numbered year, the secretary shall issue a 18100
printed roster of the names and addresses so registered. 18101

(E) Twenty dollars of each biennial registration fee shall be 18102
paid to the dentist loan repayment fund created under section 18103
3702.95 of the Revised Code. 18104

Sec. 4715.15. When a dentist orders a test for the presence of Lyme disease in a patient, the dentist or dentist'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 problematic and may lead to false results. If you are tested for Lyme disease and the results are positive, this does not necessarily mean that you have contracted Lyme disease. In the alternative, if the results are negative, this does not necessarily mean that you have not contracted Lyme disease. If you continue to experience symptoms or have other health concerns, you should contact your health care provider and inquire about the appropriateness of additional testing or treatment."

The dentist or dentist's delegate shall obtain a signature from the patient or patient's representative indicating receipt of the notice. The document containing the signature shall be kept in the patient's record.

Sec. 4715.30. (A) An applicant for or holder of a certificate or license issued under this chapter is subject to disciplinary action by the state dental board for any of the following reasons:

(1) Employing or cooperating in fraud or material deception in applying for or obtaining a license or certificate;

(2) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;

(3) Advertising services in a false or misleading manner or violating the board's rules governing time, place, and manner of advertising;

(4) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	18135 18136 18137
(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;	18138 18139 18140
(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;	18141 18142 18143 18144 18145
(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;	18146 18147
(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;	18148 18149 18150 18151 18152 18153 18154
(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;	18155 18156 18157 18158 18159 18160 18161 18162 18163
(10) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on	18164 18165

alcohol or other drugs, or excessive use of alcohol or other	18166
drugs;	18167
(11) Violation of any provision of this chapter or any rule	18168
adopted thereunder;	18169
(12) Failure to use universal blood and body fluid	18170
precautions established by rules adopted under section 4715.03 of	18171
the Revised Code;	18172
(13) Except as provided in division (H) of this section,	18173
either of the following:	18174
(a) Waiving the payment of all or any part of a deductible or	18175
copayment that a patient, pursuant to a health insurance or health	18176
care policy, contract, or plan that covers dental services, would	18177
otherwise be required to pay if the waiver is used as an	18178
enticement to a patient or group of patients to receive health	18179
care services from that certificate or license holder;	18180
(b) Advertising that the certificate or license holder will	18181
waive the payment of all or any part of a deductible or copayment	18182
that a patient, pursuant to a health insurance or health care	18183
policy, contract, or plan that covers dental services, would	18184
otherwise be required to pay.	18185
(14) Failure to comply with section <u>4715.302</u> or 4729.79 of	18186
the Revised Code, unless the state board of pharmacy no longer	18187
maintains a drug database pursuant to section 4729.75 of the	18188
Revised Code;	18189
(15) Any of the following actions taken by an agency	18190
responsible for authorizing, certifying, or regulating an	18191
individual to practice a health care occupation or provide health	18192
care services in this state or another jurisdiction, for any	18193
reason other than the nonpayment of fees: the limitation,	18194
revocation, or suspension of an individual's license to practice;	18195
acceptance of an individual's license surrender; denial of a	18196

license; refusal to renew or reinstate a license; imposition of 18197
probation; or issuance of an order of censure or other reprimand; 18198

(16) Failure to cooperate in an investigation conducted by 18199
the board under division (D) of section 4715.03 of the Revised 18200
Code, including failure to comply with a subpoena or order issued 18201
by the board or failure to answer truthfully a question presented 18202
by the board at a deposition or in written interrogatories, except 18203
that failure to cooperate with an investigation shall not 18204
constitute grounds for discipline under this section if a court of 18205
competent jurisdiction has issued an order that either quashes a 18206
subpoena or permits the individual to withhold the testimony or 18207
evidence in issue. 18208

(B) A manager, proprietor, operator, or conductor of a dental 18209
facility shall be subject to disciplinary action if any dentist, 18210
dental hygienist, expanded function dental auxiliary, or qualified 18211
personnel providing services in the facility is found to have 18212
committed a violation listed in division (A) of this section and 18213
the manager, proprietor, operator, or conductor knew of the 18214
violation and permitted it to occur on a recurring basis. 18215

(C) Subject to Chapter 119. of the Revised Code, the board 18216
may take one or more of the following disciplinary actions if one 18217
or more of the grounds for discipline listed in divisions (A) and 18218
(B) of this section exist: 18219

(1) Censure the license or certificate holder; 18220

(2) Place the license or certificate on probationary status 18221
for such period of time the board determines necessary and require 18222
the holder to: 18223

(a) Report regularly to the board upon the matters which are 18224
the basis of probation; 18225

(b) Limit practice to those areas specified by the board; 18226

(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. 18258
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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. 18260
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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 18272
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considered practicing without a certificate or license. The board 18290
shall notify the suspended individual of the suspension of the 18291
individual's certificate or license under this division by 18292
certified mail or in person in accordance with section 119.07 of 18293
the Revised Code. If an individual whose certificate or license is 18294
suspended under this division fails to make a timely request for 18295
an adjudicatory hearing, the board shall enter a final order 18296
revoking the individual's certificate or license. 18297

(G) If the supervisory investigative panel determines both of 18298
the following, the panel may recommend that the board suspend an 18299
individual's certificate or license without a prior hearing: 18300

(1) That there is clear and convincing evidence that an 18301
individual has violated division (A) of this section; 18302

(2) That the individual's continued practice presents a 18303
danger of immediate and serious harm to the public. 18304

Written allegations shall be prepared for consideration by 18305
the board. The board, upon review of those allegations and by an 18306
affirmative vote of not fewer than four dentist members of the 18307
board and seven of its members in total, excluding any member on 18308
the supervisory investigative panel, may suspend a certificate or 18309
license without a prior hearing. A telephone conference call may 18310
be utilized for reviewing the allegations and taking the vote on 18311
the summary suspension. 18312

The board shall issue a written order of suspension by 18313
certified mail or in person in accordance with section 119.07 of 18314
the Revised Code. The order shall not be subject to suspension by 18315
the court during pendency or any appeal filed under section 119.12 18316
of the Revised Code. If the individual subject to the summary 18317
suspension requests an adjudicatory hearing by the board, the date 18318
set for the hearing shall be within fifteen days, but not earlier 18319
than seven days, after the individual requests the hearing, unless 18320

otherwise agreed to by both the board and the individual. 18321

Any summary suspension imposed under this division shall 18322
remain in effect, unless reversed on appeal, until a final 18323
adjudicative order issued by the board pursuant to this section 18324
and Chapter 119. of the Revised Code becomes effective. The board 18325
shall issue its final adjudicative order within seventy-five days 18326
after completion of its hearing. A failure to issue the order 18327
within seventy-five days shall result in dissolution of the 18328
summary suspension order but shall not invalidate any subsequent, 18329
final adjudicative order. 18330

(H) Sanctions shall not be imposed under division (A)(13) of 18331
this section against any certificate or license holder who waives 18332
deductibles and copayments as follows: 18333

(1) In compliance with the health benefit plan that expressly 18334
allows such a practice. Waiver of the deductibles or copayments 18335
shall be made only with the full knowledge and consent of the plan 18336
purchaser, payer, and third-party administrator. Documentation of 18337
the consent shall be made available to the board upon request. 18338

(2) For professional services rendered to any other person 18339
who holds a certificate or license issued pursuant to this chapter 18340
to the extent allowed by this chapter and the rules of the board. 18341

(I) In no event shall the board consider or raise during a 18342
hearing required by Chapter 119. of the Revised Code the 18343
circumstances of, or the fact that the board has received, one or 18344
more complaints about a person unless the one or more complaints 18345
are the subject of the hearing or resulted in the board taking an 18346
action authorized by this section against the person on a prior 18347
occasion. 18348

(J) The board may share any information it receives pursuant 18349
to an investigation under division (D) of section 4715.03 of the 18350
Revised Code, including patient records and patient record 18351

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 18383
of the request. If the dentist practices primarily in a county of 18384
this state that adjoins another state, the dentist or delegate 18385
also shall request a report of any information available in the 18386
drug database that pertains to prescriptions issued or drugs 18387
furnished to the patient in the state adjoining that county. 18388

(2) If the patient's course of treatment for the condition 18389
continues for more than ninety days after the initial report is 18390
requested, the dentist or delegate shall make periodic requests 18391
for reports of information from the drug database until the course 18392
of treatment has ended. The requests shall be made at intervals 18393
not exceeding ninety days, determined according to the date the 18394
initial request was made. The request shall be made in the same 18395
manner provided in division (B)(1) of this section for requesting 18396
the initial report of information from the drug database. 18397

(3) On receipt of a report under division (B)(1) or (2) of 18398
this section, the dentist shall assess the information in the 18399
report. The dentist shall document in the patient's record that 18400
the report was received and the information was assessed. 18401

(C)(1) Division (B) of this section does not apply if a drug 18402
database report regarding the patient is not available. In this 18403
event, the dentist shall document in the patient's record the 18404
reason that the report is not available. 18405

(2) Division (B) of this section does not apply if the drug 18406
is prescribed or personally furnished in an amount indicated for a 18407
period not to exceed seven days. 18408

(D) With respect to prescribing or personally furnishing any 18409
drug that is not an opioid analgesic or a benzodiazepine but is 18410
included in the drug database pursuant to rules adopted under 18411
section 4729.84 of the Revised Code, the state dental board shall 18412
adopt rules in accordance with Chapter 119. of the Revised Code 18413

that establish standards and procedures to be followed by a 18414
dentist regarding the review of patient information available 18415
through the drug database under division (A)(5) of section 4729.80 18416
of the Revised Code. The rules shall be adopted in accordance with 18417
Chapter 119. of the Revised Code. 18418

~~(C)~~(E) This section and the rules adopted under it do not 18419
apply if the state board of pharmacy no longer maintains the drug 18420
database. 18421

Sec. 4717.10. (A) The board of embalmers and funeral 18422
directors may recognize licenses issued to embalmers and funeral 18423
directors by other states, and upon presentation of such licenses, 18424
may issue to the holder an embalmer's or funeral director's 18425
license under this chapter. The board shall charge the same fee as 18426
prescribed in section 4717.07 of the Revised Code to issue or 18427
renew such an embalmer's or funeral director's license. Such 18428
licenses shall be renewed biennially as provided in section 18429
4717.08 of the Revised Code. The board shall not issue a license 18430
to any person under division (A) of this section unless the 18431
applicant proves that the applicant, in the state in which the 18432
applicant is licensed, has complied with requirements 18433
substantially equal to those established in section 4717.05 of the 18434
Revised Code. 18435

(B) The board of embalmers and funeral directors may issue 18436
courtesy ~~cards~~ card permits. A courtesy ~~cardholder~~ card permit 18437
holder shall be authorized to undertake both the following acts in 18438
this state: 18439

(1) Prepare and complete those sections of a death 18440
certificate and other permits needed for disposition of deceased 18441
human remains in this state and sign and file such death 18442
certificates and permits; 18443

(2) Supervise and conduct funeral ceremonies ~~and~~ interments, 18444

and entombments in this state. 18445

(C) The board of embalmers and funeral directors may 18446
determine under what conditions a courtesy card permit may be 18447
issued to funeral directors in bordering states after taking into 18448
account whether and under what conditions and fees such border 18449
states issue similar courtesy ~~cards~~ card permits to funeral 18450
directors licensed in this state. A courtesy card permit holder 18451
shall comply with all applicable laws and rules of this state 18452
while engaged in any acts of funeral directing in this state. The 18453
board may revoke or suspend a courtesy card permit or subject a 18454
courtesy card permit holder to discipline in accordance with the 18455
laws, rules, and procedures applicable to funeral director 18456
licensees under this chapter. Applicants for courtesy ~~cards~~ card 18457
permits shall apply on forms prescribed by the board, pay a 18458
biennial fee set by the board for initial applications and 18459
renewals, and adhere to such other requirements imposed by the 18460
board on courtesy ~~cardholders~~ card permit holders. 18461

(D) No courtesy ~~cardholder~~ card permit holder shall be 18462
authorized to undertake any of the following activities in this 18463
state: 18464

(1) Arranging funerals or disposition services with members 18465
of the public in this state; 18466

(2) Be employed by or under contract to a funeral home 18467
licensed in this state to perform funeral services in this state; 18468

(3) Advertise funeral or disposition services in this state; 18469

(4) Enter into or execute funeral or disposition contracts in 18470
this state; 18471

(5) Prepare or embalm deceased human remains in this state; 18472

(6) Arrange for or carry out the disinterment of human 18473
remains in this state. 18474

(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 18537
contest to, or a judicial finding of eligibility for a pretrial 18538
diversion or similar program or for intervention in lieu of 18539
conviction for, an act in the course of practice in another 18540
jurisdiction that would constitute a misdemeanor in Ohio; 18541

(8) Self-administering or otherwise taking into the body any 18542
dangerous drug, as defined in section 4729.01 of the Revised Code, 18543
in any way that is not in accordance with a legal, valid 18544
prescription issued for that individual, or self-administering or 18545
otherwise taking into the body any drug that is a schedule I 18546
controlled substance; 18547

(9) Habitual or excessive use of controlled substances, other 18548
habit-forming drugs, or alcohol or other chemical substances to an 18549
extent that impairs the individual's ability to provide safe 18550
nursing care or safe dialysis care; 18551

(10) Impairment of the ability to practice according to 18552
acceptable and prevailing standards of safe nursing care or safe 18553
dialysis care because of the use of drugs, alcohol, or other 18554
chemical substances; 18555

(11) Impairment of the ability to practice according to 18556
acceptable and prevailing standards of safe nursing care or safe 18557
dialysis care because of a physical or mental disability; 18558

(12) Assaulting or causing harm to a patient or depriving a 18559
patient of the means to summon assistance; 18560

(13) Misappropriation or attempted misappropriation of money 18561
or anything of value in the course of practice; 18562

(14) Adjudication by a probate court of being mentally ill or 18563
mentally incompetent. The board may reinstate the person's nursing 18564
license or dialysis technician certificate upon adjudication by a 18565
probate court of the person's restoration to competency or upon 18566
submission to the board of other proof of competency. 18567

(15) The suspension or termination of employment by the	18568
department of defense or the veterans administration of the United	18569
States for any act that violates or would violate this chapter;	18570
(16) Violation of this chapter or any rules adopted under it;	18571
(17) Violation of any restrictions placed by the board on a	18572
nursing license or dialysis technician certificate;	18573
(18) Failure to use universal and standard precautions	18574
established by rules adopted under section 4723.07 of the Revised	18575
Code;	18576
(19) Failure to practice in accordance with acceptable and	18577
prevailing standards of safe nursing care or safe dialysis care;	18578
(20) In the case of a registered nurse, engaging in	18579
activities that exceed the practice of nursing as a registered	18580
nurse;	18581
(21) In the case of a licensed practical nurse, engaging in	18582
activities that exceed the practice of nursing as a licensed	18583
practical nurse;	18584
(22) In the case of a dialysis technician, engaging in	18585
activities that exceed those permitted under section 4723.72 of	18586
the Revised Code;	18587
(23) Aiding and abetting a person in that person's practice	18588
of nursing without a license or practice as a dialysis technician	18589
without a certificate issued under this chapter;	18590
(24) In the case of a certified registered nurse anesthetist,	18591
clinical nurse specialist, certified nurse-midwife, or certified	18592
nurse practitioner, except as provided in division (M) of this	18593
section, either of the following:	18594
(a) Waiving the payment of all or any part of a deductible or	18595
copayment that a patient, pursuant to a health insurance or health	18596
care policy, contract, or plan that covers such nursing services,	18597

would otherwise be required to pay if the waiver is used as an 18598
enticement to a patient or group of patients to receive health 18599
care services from that provider; 18600

(b) Advertising that the nurse will waive the payment of all 18601
or any part of a deductible or copayment that a patient, pursuant 18602
to a health insurance or health care policy, contract, or plan 18603
that covers such nursing services, would otherwise be required to 18604
pay. 18605

(25) Failure to comply with the terms and conditions of 18606
participation in the chemical dependency monitoring program 18607
established under section 4723.35 of the Revised Code; 18608

(26) Failure to comply with the terms and conditions required 18609
under the practice intervention and improvement program 18610
established under section 4723.282 of the Revised Code; 18611

(27) In the case of a certified registered nurse anesthetist, 18612
clinical nurse specialist, certified nurse-midwife, or certified 18613
nurse practitioner: 18614

(a) Engaging in activities that exceed those permitted for 18615
the nurse's nursing specialty under section 4723.43 of the Revised 18616
Code; 18617

(b) Failure to meet the quality assurance standards 18618
established under section 4723.07 of the Revised Code. 18619

(28) In the case of a clinical nurse specialist, certified 18620
nurse-midwife, or certified nurse practitioner, failure to 18621
maintain a standard care arrangement in accordance with section 18622
4723.431 of the Revised Code or to practice in accordance with the 18623
standard care arrangement; 18624

(29) In the case of a clinical nurse specialist, certified 18625
nurse-midwife, or certified nurse practitioner who holds a 18626
certificate to prescribe issued under section 4723.48 of the 18627

Revised Code, failure to prescribe drugs and therapeutic devices	18628
in accordance with section 4723.481 of the Revised Code;	18629
(30) Prescribing any drug or device to perform or induce an	18630
abortion, or otherwise performing or inducing an abortion;	18631
(31) Failure to establish and maintain professional	18632
boundaries with a patient, as specified in rules adopted under	18633
section 4723.07 of the Revised Code;	18634
(32) Regardless of whether the contact or verbal behavior is	18635
consensual, engaging with a patient other than the spouse of the	18636
registered nurse, licensed practical nurse, or dialysis technician	18637
in any of the following:	18638
(a) Sexual contact, as defined in section 2907.01 of the	18639
Revised Code;	18640
(b) Verbal behavior that is sexually demeaning to the patient	18641
or may be reasonably interpreted by the patient as sexually	18642
demeaning.	18643
(33) Assisting suicide as defined in section 3795.01 of the	18644
Revised Code;	18645
<u>(34) Failure to comply with section 4723.487 of the Revised</u>	18646
<u>Code, unless the state board of pharmacy no longer maintains a</u>	18647
<u>drug database pursuant to section 4729.75 of the Revised Code.</u>	18648
(C) Disciplinary actions taken by the board under divisions	18649
(A) and (B) of this section shall be taken pursuant to an	18650
adjudication conducted under Chapter 119. of the Revised Code,	18651
except that in lieu of a hearing, the board may enter into a	18652
consent agreement with an individual to resolve an allegation of a	18653
violation of this chapter or any rule adopted under it. A consent	18654
agreement, when ratified by a vote of a quorum, shall constitute	18655
the findings and order of the board with respect to the matter	18656
addressed in the agreement. If the board refuses to ratify a	18657

consent agreement, the admissions and findings contained in the 18658
agreement shall be of no effect. 18659

(D) The hearings of the board shall be conducted in 18660
accordance with Chapter 119. of the Revised Code, the board may 18661
appoint a hearing examiner, as provided in section 119.09 of the 18662
Revised Code, to conduct any hearing the board is authorized to 18663
hold under Chapter 119. of the Revised Code. 18664

In any instance in which the board is required under Chapter 18665
119. of the Revised Code to give notice of an opportunity for a 18666
hearing and the applicant, licensee, or certificate holder does 18667
not make a timely request for a hearing in accordance with section 18668
119.07 of the Revised Code, the board is not required to hold a 18669
hearing, but may adopt, by a vote of a quorum, a final order that 18670
contains the board's findings. In the final order, the board may 18671
order any of the sanctions listed in division (A) or (B) of this 18672
section. 18673

(E) If a criminal action is brought against a registered 18674
nurse, licensed practical nurse, or dialysis technician for an act 18675
or crime described in divisions (B)(3) to (7) of this section and 18676
the action is dismissed by the trial court other than on the 18677
merits, the board shall conduct an adjudication to determine 18678
whether the registered nurse, licensed practical nurse, or 18679
dialysis technician committed the act on which the action was 18680
based. If the board determines on the basis of the adjudication 18681
that the registered nurse, licensed practical nurse, or dialysis 18682
technician committed the act, or if the registered nurse, licensed 18683
practical nurse, or dialysis technician fails to participate in 18684
the adjudication, the board may take action as though the 18685
registered nurse, licensed practical nurse, or dialysis technician 18686
had been convicted of the act. 18687

If the board takes action on the basis of a conviction, plea, 18688
or a judicial finding as described in divisions (B)(3) to (7) of 18689

this section that is overturned on appeal, the registered nurse, 18690
licensed practical nurse, or dialysis technician may, on 18691
exhaustion of the appeal process, petition the board for 18692
reconsideration of its action. On receipt of the petition and 18693
supporting court documents, the board shall temporarily rescind 18694
its action. If the board determines that the decision on appeal 18695
was a decision on the merits, it shall permanently rescind its 18696
action. If the board determines that the decision on appeal was 18697
not a decision on the merits, it shall conduct an adjudication to 18698
determine whether the registered nurse, licensed practical nurse, 18699
or dialysis technician committed the act on which the original 18700
conviction, plea, or judicial finding was based. If the board 18701
determines on the basis of the adjudication that the registered 18702
nurse, licensed practical nurse, or dialysis technician committed 18703
such act, or if the registered nurse, licensed practical nurse, or 18704
dialysis technician does not request an adjudication, the board 18705
shall reinstate its action; otherwise, the board shall permanently 18706
rescind its action. 18707

Notwithstanding the provision of division (C)(2) of section 18708
2953.32 of the Revised Code specifying that if records pertaining 18709
to a criminal case are sealed under that section the proceedings 18710
in the case shall be deemed not to have occurred, sealing of the 18711
following records on which the board has based an action under 18712
this section shall have no effect on the board's action or any 18713
sanction imposed by the board under this section: records of any 18714
conviction, guilty plea, judicial finding of guilt resulting from 18715
a plea of no contest, or a judicial finding of eligibility for a 18716
pretrial diversion program or intervention in lieu of conviction. 18717

The board shall not be required to seal, destroy, redact, or 18718
otherwise modify its records to reflect the court's sealing of 18719
conviction records. 18720

(F) The board may investigate an individual's criminal 18721

background in performing its duties under this section. As part of 18722
such investigation, the board may order the individual to submit, 18723
at the individual's expense, a request to the bureau of criminal 18724
identification and investigation for a criminal records check and 18725
check of federal bureau of investigation records in accordance 18726
with the procedure described in section 4723.091 of the Revised 18727
Code. 18728

(G) During the course of an investigation conducted under 18729
this section, the board may compel any registered nurse, licensed 18730
practical nurse, or dialysis technician or applicant under this 18731
chapter to submit to a mental or physical examination, or both, as 18732
required by the board and at the expense of the individual, if the 18733
board finds reason to believe that the individual under 18734
investigation may have a physical or mental impairment that may 18735
affect the individual's ability to provide safe nursing care. 18736
Failure of any individual to submit to a mental or physical 18737
examination when directed constitutes an admission of the 18738
allegations, unless the failure is due to circumstances beyond the 18739
individual's control, and a default and final order may be entered 18740
without the taking of testimony or presentation of evidence. 18741

If the board finds that an individual is impaired, the board 18742
shall require the individual to submit to care, counseling, or 18743
treatment approved or designated by the board, as a condition for 18744
initial, continued, reinstated, or renewed authority to practice. 18745
The individual shall be afforded an opportunity to demonstrate to 18746
the board that the individual can begin or resume the individual's 18747
occupation in compliance with acceptable and prevailing standards 18748
of care under the provisions of the individual's authority to 18749
practice. 18750

For purposes of this division, any registered nurse, licensed 18751
practical nurse, or dialysis technician or applicant under this 18752
chapter shall be deemed to have given consent to submit to a 18753

mental or physical examination when directed to do so in writing 18754
by the board, and to have waived all objections to the 18755
admissibility of testimony or examination reports that constitute 18756
a privileged communication. 18757

(H) The board shall investigate evidence that appears to show 18758
that any person has violated any provision of this chapter or any 18759
rule of the board. Any person may report to the board any 18760
information the person may have that appears to show a violation 18761
of any provision of this chapter or rule of the board. In the 18762
absence of bad faith, any person who reports such information or 18763
who testifies before the board in any adjudication conducted under 18764
Chapter 119. of the Revised Code shall not be liable for civil 18765
damages as a result of the report or testimony. 18766

(I) All of the following apply under this chapter with 18767
respect to the confidentiality of information: 18768

(1) Information received by the board pursuant to a complaint 18769
or an investigation is confidential and not subject to discovery 18770
in any civil action, except that the board may disclose 18771
information to law enforcement officers and government entities 18772
for purposes of an investigation of either a licensed health care 18773
professional, including a registered nurse, licensed practical 18774
nurse, or dialysis technician, or a person who may have engaged in 18775
the unauthorized practice of nursing or dialysis care. No law 18776
enforcement officer or government entity with knowledge of any 18777
information disclosed by the board pursuant to this division shall 18778
divulge the information to any other person or government entity 18779
except for the purpose of a government investigation, a 18780
prosecution, or an adjudication by a court or government entity. 18781

(2) If an investigation requires a review of patient records, 18782
the investigation and proceeding shall be conducted in such a 18783
manner as to protect patient confidentiality. 18784

(3) All adjudications and investigations of the board shall 18785
be considered civil actions for the purposes of section 2305.252 18786
of the Revised Code. 18787

(4) Any board activity that involves continued monitoring of 18788
an individual as part of or following any disciplinary action 18789
taken under this section shall be conducted in a manner that 18790
maintains the individual's confidentiality. Information received 18791
or maintained by the board with respect to the board's monitoring 18792
activities is not subject to discovery in any civil action and is 18793
confidential, except that the board may disclose information to 18794
law enforcement officers and government entities for purposes of 18795
an investigation of a licensee or certificate holder. 18796

(J) Any action taken by the board under this section 18797
resulting in a suspension from practice shall be accompanied by a 18798
written statement of the conditions under which the person may be 18799
reinstated to practice. 18800

(K) When the board refuses to grant a license or certificate 18801
to an applicant, revokes a license or certificate, or refuses to 18802
reinstate a license or certificate, the board may specify that its 18803
action is permanent. An individual subject to permanent action 18804
taken by the board is forever ineligible to hold a license or 18805
certificate of the type that was refused or revoked and the board 18806
shall not accept from the individual an application for 18807
reinstatement of the license or certificate or for a new license 18808
or certificate. 18809

(L) No unilateral surrender of a nursing license, certificate 18810
of authority, or dialysis technician certificate issued under this 18811
chapter shall be effective unless accepted by majority vote of the 18812
board. No application for a nursing license, certificate of 18813
authority, or dialysis technician certificate issued under this 18814
chapter may be withdrawn without a majority vote of the board. The 18815
board's jurisdiction to take disciplinary action under this 18816

section is not removed or limited when an individual has a license 18817
or certificate classified as inactive or fails to renew a license 18818
or certificate. 18819

(M) Sanctions shall not be imposed under division (B)(24) of 18820
this section against any licensee who waives deductibles and 18821
copayments as follows: 18822

(1) In compliance with the health benefit plan that expressly 18823
allows such a practice. Waiver of the deductibles or copayments 18824
shall be made only with the full knowledge and consent of the plan 18825
purchaser, payer, and third-party administrator. Documentation of 18826
the consent shall be made available to the board upon request. 18827

(2) For professional services rendered to any other person 18828
licensed pursuant to this chapter to the extent allowed by this 18829
chapter and the rules of the board. 18830

Sec. 4723.433. When an advanced practice registered nurse 18831
orders a test for the presence of Lyme disease in a patient, the 18832
nurse or nurse's delegate shall provide to the patient or 18833
patient's representative a written notice with the following 18834
information: 18835

"Your health care provider has ordered a test for the 18836
presence of Lyme disease. Current testing for Lyme disease can be 18837
problematic and may lead to false results. If you are tested for 18838
Lyme disease and the results are positive, this does not 18839
necessarily mean that you have contracted Lyme disease. In the 18840
alternative, if the results are negative, this does not 18841
necessarily mean that you have not contracted Lyme disease. If you 18842
continue to experience symptoms or have other health concerns, you 18843
should contact your health care provider and inquire about the 18844
appropriateness of additional testing or treatment." 18845

The nurse or nurse's delegate shall obtain a signature from 18846

the patient or patient's representative indicating receipt of the 18847
notice. The document containing the signature shall be kept in the 18848
patient's record. 18849

Sec. 4723.486. (A) A certificate to prescribe issued under 18850
section 4723.48 of the Revised Code that is not issued as an 18851
externship certificate is valid for two years, unless otherwise 18852
provided in rules adopted under section 4723.50 of the Revised 18853
Code or earlier suspended or revoked by the board. The board of 18854
nursing shall renew certificates to prescribe according to 18855
procedures and a renewal schedule established in rules adopted 18856
under section 4723.50 of the Revised Code. 18857

(B) The Except as provided in division (C) of this section, 18858
the board may renew a certificate to prescribe if the holder 18859
submits to the board all of the following: 18860

(1) Evidence of having completed during the previous two 18861
years at least twelve hours of continuing education in advanced 18862
pharmacology, or, if the certificate has been held for less than a 18863
full renewal period, the number of hours required by the board in 18864
rules adopted under section 4723.50 of the Revised Code; 18865

(2) The fee required under section 4723.08 of the Revised 18866
Code for renewal of a certificate to prescribe; 18867

(3) Any additional information the board requires pursuant to 18868
rules adopted under section 4723.50 of the Revised Code. 18869

(C)(1) Except as provided in division (C)(2) of this section, 18870
in the case of a certificate holder seeking renewal who prescribes 18871
opioid analgesics or benzodiazepines, the holder shall certify to 18872
the board whether the holder has been granted access to the drug 18873
database established and maintained by the state board of pharmacy 18874
pursuant to section 4729.75 of the Revised Code. 18875

(2) The requirement in division (C)(1) of this section does 18876

not apply if either of the following is the case: 18877

(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. 18878
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(b) The state board of pharmacy no longer maintains the drug database. 18882
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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. 18884
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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. 18889
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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. 18895
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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: 18898
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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 18904
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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. 18907
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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. 18913
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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. 18922
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(C) Division (B) of this section does not apply if in any of the following circumstances: 18926
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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. 18928
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(2) The drug is prescribed in an amount indicated for a period not to exceed seven days. 18931
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(3) The drug is prescribed for the treatment of cancer or another condition associated with cancer. 18933
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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. 18935
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(5) The drug is prescribed for administration in a hospital, 18938
nursing home, or residential care facility. 18939

(D) With respect to prescribing any drug that is not an 18940
opioid analgesic or a benzodiazepine but is included in the drug 18941
database pursuant to rules adopted under section 4729.84 of the 18942
Revised Code, the board of nursing shall adopt rules in accordance 18943
with Chapter 119. of the Revised Code that establish standards and 18944
procedures to be followed by an advanced practice registered nurse 18945
with a certificate to prescribe issued under section 4723.48 of 18946
the Revised Code regarding the review of patient information 18947
available through the drug database under division (A)(5) of 18948
section 4729.80 of the Revised Code. The rules shall be adopted in 18949
accordance with Chapter 119. of the Revised Code. 18950

~~(C)~~(E) This section and the rules adopted under it do not 18951
apply if the state board of pharmacy no longer maintains the drug 18952
database. 18953

Sec. 4725.092. (A) As used in this section, "drug database" 18954
means the database established and maintained by the state board 18955
of pharmacy pursuant to section 4729.75 of the Revised Code. 18956

(B) The Except as provided in divisions (C) and (E) of this 18957
section, an optometrist holding a therapeutic pharmaceutical 18958
agents certificate shall comply with all of the following as 18959
conditions of prescribing a drug that is either an opioid 18960
analgesic or a benzodiazepine, or personally furnishing a complete 18961
or partial supply of such a drug, as part of a patient's course of 18962
treatment for a particular condition: 18963

(1) Before initially prescribing or furnishing the drug, the 18964
optometrist or the optometrist's delegate shall request from the 18965
drug database a report of information related to the patient that 18966
covers at least the twelve months immediately preceding the date 18967
of the request. If the optometrist practices primarily in a county 18968

of this state that adjoins another state, the optometrist or 18969
delegate also shall request a report of any information available 18970
in the drug database that pertains to prescriptions issued or 18971
drugs furnished to the patient in the state adjoining that county. 18972

(2) If the patient's course of treatment for the condition 18973
continues for more than ninety days after the initial report is 18974
requested, the optometrist or delegate shall make periodic 18975
requests for reports of information from the drug database until 18976
the course of treatment has ended. The requests shall be made at 18977
intervals not exceeding ninety days, determined according to the 18978
date the initial request was made. The request shall be made in 18979
the same manner provided in division (B)(1) of this section for 18980
requesting the initial report of information from the drug 18981
database. 18982

(3) On receipt of a report under division (B)(1) or (2) of 18983
this section, the optometrist shall assess the information in the 18984
report. The optometrist shall document in the patient's record 18985
that the report was received and the information was assessed. 18986

(C)(1) Division (B) of this section does not apply if a drug 18987
database report regarding the patient is not available. In this 18988
event, the optometrist shall document in the patient's record the 18989
reason that the report is not available. 18990

(2) Division (B) of this section does not apply if the drug 18991
is prescribed or personally furnished in an amount indicated for a 18992
period not to exceed seven days. 18993

(D) With respect to prescribing or personally furnishing any 18994
drug that is not an opioid analgesic or a benzodiazepine but is 18995
included in the drug database pursuant to rules adopted under 18996
section 4729.84 of the Revised Code, the state board of optometry 18997
shall adopt rules in accordance with Chapter 119. of the Revised 18998
Code that establish standards and procedures to be followed by an 18999

optometrist who holds a therapeutic pharmaceutical agents 19000
certificate regarding the review of patient information available 19001
through the drug database under division (A)(5) of section 4729.80 19002
of the Revised Code. The rules shall be adopted in accordance with 19003
Chapter 119. of the Revised Code. 19004

~~(C)~~(E) This section and the rules adopted under it do not 19005
apply if the state board of pharmacy no longer maintains the drug 19006
database. 19007

Sec. 4725.16. (A)(1) Each certificate of licensure, topical 19008
ocular pharmaceutical agents certificate, and therapeutic 19009
pharmaceutical agents certificate issued by the state board of 19010
optometry shall expire annually on the last day of December, and 19011
may be renewed in accordance with this section and the standard 19012
renewal procedure established under Chapter 4745. of the Revised 19013
Code. 19014

(2) An optometrist seeking to continue to practice optometry 19015
shall file with the board an application for license renewal. The 19016
application shall be in such form and require such pertinent 19017
professional biographical data as the board may require. 19018

(3)(a) Except as provided in division (A)(3)(b) of this 19019
section, in the case of an optometrist seeking renewal who holds a 19020
topical ocular pharmaceutical agents certificate and who 19021
prescribes or personally furnishes opioid analgesics or 19022
benzodiazepines, the optometrist shall certify to the board 19023
whether the optometrist has been granted access to the drug 19024
database established and maintained by the state board of pharmacy 19025
pursuant to section 4729.75 of the Revised Code. 19026

(b) The requirement in division (A)(3)(a) of this section 19027
does not apply if either of the following is the case: 19028

(i) The state board of pharmacy notifies the state board of 19029

optometry pursuant to section 4729.861 of the Revised Code that 19030
the certificate holder has been restricted from obtaining further 19031
information from the drug database. 19032

(ii) The state board of pharmacy no longer maintains the drug 19033
database. 19034

(c) If an optometrist certifies to the state board of 19035
optometry that the optometrist has been granted access to the drug 19036
database and the board finds through an audit or other means that 19037
the optometrist has not been granted access, the board may take 19038
action under section 4725.19 of the Revised Code. 19039

(B) All licensed optometrists shall annually complete 19040
continuing education in subjects relating to the practice of 19041
optometry, to the end that the utilization and application of new 19042
techniques, scientific and clinical advances, and the achievements 19043
of research will assure comprehensive care to the public. The 19044
board shall prescribe by rule the continuing optometric education 19045
that licensed optometrists must complete. The length of study 19046
shall be twenty-five clock hours each year, including ten clock 19047
hours of instruction in pharmacology to be completed by all 19048
licensed optometrists. 19049

Unless the continuing education required under this division 19050
is waived or deferred under division (D) of this section, the 19051
continuing education must be completed during the twelve-month 19052
period beginning on the first day of October and ending on the 19053
last day of September. If the board receives notice from a 19054
continuing education program indicating that an optometrist 19055
completed the program after the last day of September, and the 19056
optometrist wants to use the continuing education completed after 19057
that day to renew the license that expires on the last day of 19058
December of that year, the optometrist shall pay the penalty 19059
specified under section 4725.34 of the Revised Code for late 19060
completion of continuing education. 19061

At least once annually, the board shall post on its web site 19062
and shall mail, or send by electronic mail, to each licensed 19063
optometrist a list of courses approved in accordance with 19064
standards prescribed by board rule. Upon the request of a licensed 19065
optometrist, the executive director of the board shall supply a 19066
list of additional courses that the board has approved subsequent 19067
to the most recent web site posting, electronic mail transmission, 19068
or mailing of the list of approved courses. 19069

(C)(1) Annually, not later than the first day of November, 19070
the board shall mail or send by electronic mail a notice regarding 19071
license renewal to each licensed optometrist who may be eligible 19072
for renewal. The notice shall be sent to the optometrist's most 19073
recent electronic mail or mailing address shown in the board's 19074
records. If the board knows that the optometrist has completed the 19075
required continuing optometric education for the year, the board 19076
may include with the notice an application for license renewal. 19077

(2) Filing a license renewal application with the board shall 19078
serve as notice by the optometrist that the continuing optometric 19079
education requirement has been successfully completed. If the 19080
board finds that an optometrist has not completed the required 19081
continuing optometric education, the board shall disapprove the 19082
optometrist's application. The board's disapproval of renewal is 19083
effective without a hearing, unless a hearing is requested 19084
pursuant to Chapter 119. of the Revised Code. 19085

(3) The board shall refuse to accept an application for 19086
renewal from any applicant whose license is not in good standing 19087
or who is under disciplinary review pursuant to section 4725.19 of 19088
the Revised Code. 19089

(4) Notice of an applicant's failure to qualify for renewal 19090
shall be served upon the applicant by mail. The notice shall be 19091
sent not later than the fifteenth day of November to the 19092
applicant's last address shown in the board's records. 19093

(D) In cases of certified illness or undue hardship, the board may waive or defer for up to twelve months the requirement of continuing optometric education, except that in such cases the board may not waive or defer the continuing education in pharmacology required to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates. The board shall waive the requirement of continuing optometric education for any optometrist who is serving on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state or who has received an initial certificate of licensure during the nine-month period which ended on the last day of September.

(E) An optometrist whose renewal application has been approved may renew each certificate held by paying to the treasurer of state the fees for renewal specified under section 4725.34 of the Revised Code. On payment of all applicable fees, the board shall issue a renewal of the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the optometrist's certificates as delinquent.

(G) The failure of an optometrist to apply for license 19126
renewal or the failure to pay the applicable annual renewal fees 19127
on or before the date of expiration, shall automatically work a 19128
forfeiture of the optometrist's authority to practice optometry in 19129
this state. 19130

(H) The board shall accept renewal applications and renewal 19131
fees that are submitted from the first day of January to the last 19132
day of April of the year next succeeding the date of expiration. 19133
An individual who submits such a late renewal application or fee 19134
shall pay the late renewal fee specified in section 4725.34 of the 19135
Revised Code. 19136

(I)(1) If the certificates issued by the board to an 19137
individual have expired and the individual has not filed a 19138
complete application during the late renewal period, the 19139
individual's certificates shall be classified in the board's 19140
records as delinquent. 19141

(2) Any optometrist subject to delinquent classification may 19142
submit a written application to the board for reinstatement. For 19143
reinstatement to occur, the applicant must meet all of the 19144
following conditions: 19145

(a) Submit to the board evidence of compliance with board 19146
rules requiring continuing optometric education in a sufficient 19147
number of hours to make up for any delinquent compliance; 19148

(b) Pay the renewal fees for the year in which application 19149
for reinstatement is made and the reinstatement fee specified 19150
under division (A)(8) of section 4725.34 of the Revised Code; 19151

(c) Pass all or part of the licensing examination accepted by 19152
the board under section 4725.11 of the Revised Code as the board 19153
considers appropriate to determine whether the application for 19154
reinstatement should be approved; 19155

(d) If the applicant has been practicing optometry in another 19156

state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing. 19157
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(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. 19160
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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: 19165
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(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; 19171
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(2) Permanently revoke any or all of the certificates; 19175

(3) Limit or otherwise place restrictions on any or all of the certificates; 19176
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(4) Reprimand the optometrist; 19178

(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. 19179
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(6) Require the optometrist to take corrective action courses. 19185
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The amount and content of corrective action courses shall be 19187
established by the board in rules adopted under section 4725.09 of 19188
the Revised Code. 19189

(B) The sanctions specified in division (A) of this section 19190
may be taken by the board for any of the following reasons: 19191

(1) Committing fraud in passing the licensing examination or 19192
making false or purposely misleading statements in an application 19193
for a certificate of licensure; 19194

(2) Being at any time guilty of immorality, regardless of the 19195
jurisdiction in which the act was committed; 19196

(3) Being guilty of dishonesty or unprofessional conduct in 19197
the practice of optometry; 19198

(4) Being at any time guilty of a felony, regardless of the 19199
jurisdiction in which the act was committed; 19200

(5) Being at any time guilty of a misdemeanor committed in 19201
the course of practice, regardless of the jurisdiction in which 19202
the act was committed; 19203

(6) Violating the conditions of any limitation or other 19204
restriction placed by the board on any certificate issued by the 19205
board; 19206

(7) Engaging in the practice of optometry as provided in 19207
division (A)(1), (2), or (3) of section 4725.01 of the Revised 19208
Code when the certificate authorizing that practice is under 19209
suspension, in which case the board shall permanently revoke the 19210
certificate; 19211

(8) Being denied a license to practice optometry in another 19212
state or country or being subject to any other sanction by the 19213
optometric licensing authority of another state or country, other 19214
than sanctions imposed for the nonpayment of fees; 19215

(9) Departing from or failing to conform to acceptable and 19216

prevailing standards of care in the practice of optometry as	19217
followed by similar practitioners under the same or similar	19218
circumstances, regardless of whether actual injury to a patient is	19219
established;	19220
(10) Failing to maintain comprehensive patient records;	19221
(11) Advertising a price of optical accessories, eye	19222
examinations, or other products or services by any means that	19223
would deceive or mislead the public;	19224
(12) Being addicted to the use of alcohol, stimulants,	19225
narcotics, or any other substance which impairs the intellect and	19226
judgment to such an extent as to hinder or diminish the	19227
performance of the duties included in the person's practice of	19228
optometry;	19229
(13) Engaging in the practice of optometry as provided in	19230
division (A)(2) or (3) of section 4725.01 of the Revised Code	19231
without authority to do so or, if authorized, in a manner	19232
inconsistent with the authority granted;	19233
(14) Failing to make a report to the board as required by	19234
division (A) of section 4725.21 or section 4725.31 of the Revised	19235
Code;	19236
(15) Soliciting patients from door to door or establishing	19237
temporary offices, in which case the board shall suspend all	19238
certificates held by the optometrist;	19239
(16) <u>Failing to comply with section 4725.092 of the Revised</u>	19240
<u>Code, unless the state board of pharmacy no longer maintains a</u>	19241
<u>drug database pursuant to section 4729.75 of the Revised Code;</u>	19242
<u>(17) Except as provided in division (D) of this section:</u>	19243
(a) Waiving the payment of all or any part of a deductible or	19244
copayment that a patient, pursuant to a health insurance or health	19245
care policy, contract, or plan that covers optometric services,	19246

would otherwise be required to pay if the waiver is used as an 19247
enticement to a patient or group of patients to receive health 19248
care services from that optometrist. 19249

(b) Advertising that the optometrist will waive the payment 19250
of all or any part of a deductible or copayment that a patient, 19251
pursuant to a health insurance or health care policy, contract, or 19252
plan that covers optometric services, would otherwise be required 19253
to pay. 19254

(C) Any person who is the holder of a certificate of 19255
licensure, or who is an applicant for a certificate of licensure 19256
against whom is preferred any charges, shall be furnished by the 19257
board with a copy of the complaint and shall have a hearing before 19258
the board in accordance with Chapter 119. of the Revised Code. 19259

(D) Sanctions shall not be imposed under division (B)~~(16)~~(17) 19260
of this section against any optometrist who waives deductibles and 19261
copayments: 19262

(1) In compliance with the health benefit plan that expressly 19263
allows such a practice. Waiver of the deductibles or copayments 19264
shall be made only with the full knowledge and consent of the plan 19265
purchaser, payer, and third-party administrator. Documentation of 19266
the consent shall be made available to the board upon request. 19267

(2) For professional services rendered to any other 19268
optometrist licensed by the board, to the extent allowed by 19269
sections 4725.01 to 4725.34 of the Revised Code and the rules of 19270
the board. 19271

Sec. 4729.12. An identification card issued by the state 19272
board of pharmacy under section 4729.08 of the Revised Code 19273
entitles the individual to whom it is issued to practice as a 19274
pharmacist or as a pharmacy intern in this state until the next 19275
annual renewal date. 19276

Identification cards shall be renewed annually on the 19277
fifteenth day of September, according to the standard renewal 19278
procedure of Chapter 4745. of the Revised Code. 19279

Each pharmacist and pharmacy intern shall carry the 19280
identification card or renewal identification card while engaged 19281
in the practice of pharmacy. The license shall be conspicuously 19282
exposed at the principal place where the pharmacist or pharmacy 19283
intern practices pharmacy. 19284

A pharmacist or pharmacy intern who desires to continue in 19285
the practice of pharmacy shall file with the board an application 19286
in such form and containing such data as the board may require for 19287
renewal of an identification card. An application filed under this 19288
section may not be withdrawn without the approval of the board. If 19289
the board finds that the applicant's card has not been revoked or 19290
placed under suspension and that the applicant has paid the 19291
renewal fee, has continued pharmacy education in accordance with 19292
the rules of the board, has been granted access to the drug 19293
database established and maintained by the board pursuant to 19294
section 4729.75 of the Revised Code (unless the board has 19295
restricted the applicant from obtaining any further information 19296
from the database or the board no longer maintains the database), 19297
and is entitled to continue in the practice of pharmacy, the board 19298
shall issue a renewal identification card to the applicant. 19299

When an identification card has lapsed for more than sixty 19300
days but application is made within three years after the 19301
expiration of the card, the applicant shall be issued a renewal 19302
identification card without further examination if the applicant 19303
meets the requirements of this section and pays the fee designated 19304
under division (E) of section 4729.15 of the Revised Code. 19305

Sec. 4729.51. (A)(1) Except as provided in division (A)(2) of 19306
this section, no person other than a registered wholesale 19307

distributor of dangerous drugs shall possess for sale, sell, 19308
distribute, or deliver, at wholesale, dangerous drugs, except as 19309
follows: 19310

(a) A pharmacist who is a licensed terminal distributor of 19311
dangerous drugs or who is employed by a licensed terminal 19312
distributor of dangerous drugs may make occasional sales of 19313
dangerous drugs at wholesale; 19314

(b) A licensed terminal distributor of dangerous drugs having 19315
more than one establishment or place may transfer or deliver 19316
dangerous drugs from one establishment or place for which a 19317
license has been issued to the terminal distributor to another 19318
establishment or place for which a license has been issued to the 19319
terminal distributor if the license issued for each establishment 19320
or place is in effect at the time of the transfer or delivery. 19321

(2) A manufacturer of dangerous drugs may donate epinephrine 19322
autoinjectors to any of the following: 19323

(a) The board of education of a city, local, exempted 19324
village, or joint vocational school district; 19325

(b) A community school established under Chapter 3314. of the 19326
Revised Code; 19327

(c) A STEM school established under Chapter 3326. of the 19328
Revised Code; 19329

(d) A college-preparatory boarding school established under 19330
Chapter 3328. of the Revised Code; 19331

(e) A chartered or nonchartered nonpublic school. 19332

(B)(1) No registered wholesale distributor of dangerous drugs 19333
shall possess for sale, or sell, at wholesale, dangerous drugs to 19334
any person other than the following: 19335

(a) Except as provided in division (B)(2)(a) of this section, 19336
a licensed health professional authorized to prescribe drugs; 19337

(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate;	19338 19339 19340
(c) A registered wholesale distributor of dangerous drugs;	19341
(d) A manufacturer of dangerous drugs;	19342
(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs;	19343 19344
(f) Carriers or warehouses for the purpose of carriage or storage;	19345 19346
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	19347 19348
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;	19349 19350 19351 19352 19353 19354 19355 19356 19357
(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;	19358 19359 19360 19361 19362
(j) Except as provided in division (B)(2)(b) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised	19363 19364 19365 19366 19367

Code if the entity has a sole shareholder who is a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;

(k) Except as provided in division (B)(2)(c) of this section, a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership or a limited liability partnership formed under Chapter 1775. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code, if, to be a shareholder, member, or partner, an individual is required to be licensed, certified, or otherwise legally authorized under Title XLVII of the Revised Code to perform the professional service provided by the entity and each such individual is a licensed health professional authorized to prescribe drugs;

(l) With respect to epinephrine autoinjectors that may be possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(m) With respect to epinephrine autoinjectors that may be possessed under section 5101.76 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation

district established under section 755.14 of the Revised Code; 19400

(n) With respect to naloxone that may be possessed under 19401
section 2925.61 of the Revised Code, a law enforcement agency and 19402
its peace officers. 19403

(2) No registered wholesale distributor of dangerous drugs 19404
shall possess for sale, or sell, at wholesale, dangerous drugs to 19405
any of the following: 19406

(a) A prescriber who is employed by a pain management clinic 19407
that is not licensed as a terminal distributor of dangerous drugs 19408
with a pain management clinic classification issued under section 19409
4729.552 of the Revised Code; 19410

(b) A business entity described in division (B)(1)(j) of this 19411
section that is, or is operating, a pain management clinic without 19412
a license as a terminal distributor of dangerous drugs with a pain 19413
management clinic classification issued under section 4729.552 of 19414
the Revised Code; 19415

(c) A business entity described in division (B)(1)(k) of this 19416
section that is, or is operating, a pain management clinic without 19417
a license as a terminal distributor of dangerous drugs with a pain 19418
management clinic classification issued under section 4729.552 of 19419
the Revised Code. 19420

(3) No registered wholesale distributor of dangerous drugs 19421
shall possess dangerous drugs for sale at wholesale, or sell such 19422
drugs at wholesale, to a licensed terminal distributor of 19423
dangerous drugs, except as follows: 19424

(a) In the case of a terminal distributor with a category I 19425
license, only dangerous drugs described in category I, as defined 19426
in division (A)(1) of section 4729.54 of the Revised Code; 19427

(b) In the case of a terminal distributor with a category II 19428
license, only dangerous drugs described in category I and category 19429

II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code; 19430
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(c) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), (2), and (3) of section 4729.54 of the Revised Code; 19432
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(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code. 19436
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(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs. 19440
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(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs. 19442
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(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs. 19444
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(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, a licensed terminal distributor of dangerous drugs, or a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 19446
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Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally supplies insulin solely for the purpose of diabetes education and only if diabetes education is within the individual's scope of 19452
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practice under statutes and rules regulating the individual's 19461
profession. 19462

Divisions (C)(1), (2), and (3) of this section do not apply 19463
to an individual who holds a valid certificate issued by a 19464
nationally recognized S.C.U.B.A. diving certifying organization 19465
approved by the state board of pharmacy in rule, but only to the 19466
extent that the individual possesses medical oxygen or personally 19467
supplies medical oxygen for the purpose of emergency care or 19468
treatment at the scene of a diving emergency. 19469

Division (C)(3) of this section does not apply to the board 19470
of education of a city, local, exempted village, or joint 19471
vocational school district, a school building operated by a school 19472
district board of education, a chartered or nonchartered nonpublic 19473
school, a community school, a STEM school, or a 19474
college-preparatory boarding school for the purpose of possessing 19475
epinephrine autoinjectors under section 3313.7110, 3313.7111, 19476
3314.143, 3326.28, or 3328.29 of the Revised Code. 19477

Division (C)(3) of this section does not apply to a 19478
residential camp, as defined in section 2151.011 of the Revised 19479
Code, a child day camp, as defined in section 5104.01 of the 19480
Revised Code, or a child day camp operated by any county, 19481
township, municipal corporation, township park district created 19482
under section 511.18 of the Revised Code, park district created 19483
under section 1545.04 of the Revised Code, or joint recreation 19484
district established under section 755.14 of the Revised Code for 19485
the purpose of possessing epinephrine autoinjectors under section 19486
5101.76 of the Revised Code. 19487

Division (C)(3) of this section does not apply to a law 19488
enforcement agency or the agency's peace officers if the agency or 19489
officers possess naloxone for administration to individuals who 19490
are apparently experiencing opioid-related overdoses. 19491

(D) No licensed terminal distributor of dangerous drugs shall 19492
purchase for the purpose of resale dangerous drugs from any person 19493
other than a registered wholesale distributor of dangerous drugs, 19494
except as follows: 19495

(1) A licensed terminal distributor of dangerous drugs may 19496
make occasional purchases of dangerous drugs for resale from a 19497
pharmacist who is a licensed terminal distributor of dangerous 19498
drugs or who is employed by a licensed terminal distributor of 19499
dangerous drugs; 19500

(2) A licensed terminal distributor of dangerous drugs having 19501
more than one establishment or place may transfer or receive 19502
dangerous drugs from one establishment or place for which a 19503
license has been issued to the terminal distributor to another 19504
establishment or place for which a license has been issued to the 19505
terminal distributor if the license issued for each establishment 19506
or place is in effect at the time of the transfer or receipt. 19507

(E) No licensed terminal distributor of dangerous drugs shall 19508
engage in the sale or other distribution of dangerous drugs at 19509
retail or maintain possession, custody, or control of dangerous 19510
drugs for any purpose other than the distributor's personal use or 19511
consumption, at any establishment or place other than that or 19512
those described in the license issued by the state board of 19513
pharmacy to such terminal distributor. 19514

(F) Nothing in this section shall be construed to interfere 19515
with the performance of official duties by any law enforcement 19516
official authorized by municipal, county, state, or federal law to 19517
collect samples of any drug, regardless of its nature or in whose 19518
possession it may be. 19519

(G) Notwithstanding anything to the contrary in this section, 19520
the board of education of a city, local, exempted village, or 19521
joint vocational school district may deliver epinephrine 19522

autoinjectors to a school under its control for the purpose of 19523
possessing epinephrine autoinjectors under section 3313.7110 of 19524
the Revised Code. 19525

Sec. 4729.54. (A) As used in this section ~~and section~~ 19526
~~4729.541 of the Revised Code:~~ 19527

(1) "Category I" means single-dose injections of intravenous 19528
fluids, including saline, Ringer's lactate, five per cent dextrose 19529
and distilled water, and other intravenous fluids or parenteral 19530
solutions included in this category by rule of the state board of 19531
pharmacy, that have a volume of one hundred milliliters or more 19532
and that contain no added substances, or single-dose injections of 19533
epinephrine to be administered pursuant to sections 4765.38 and 19534
4765.39 of the Revised Code. 19535

(2) "Category II" means any dangerous drug that is not 19536
included in category I or III. 19537

(3) "Category III" means any controlled substance that is 19538
contained in schedule I, II, III, IV, or V. 19539

(4) "Emergency medical service organization" has the same 19540
meaning as in section 4765.01 of the Revised Code. 19541

(5) "Person" includes an emergency medical service 19542
organization. 19543

(6) "Schedule I, schedule II, schedule III, schedule IV, and 19544
schedule V" mean controlled substance schedules I, II, III, IV, 19545
and V, respectively, as established pursuant to section 3719.41 of 19546
the Revised Code and as amended. 19547

(B)(1) A person who desires to be licensed as a terminal 19548
distributor of dangerous drugs shall file with the executive 19549
director of the state board of pharmacy a verified application. 19550
After it is filed, the application may not be withdrawn without 19551
approval of the board. 19552

(2) An application shall contain all the following that apply 19553
in the applicant's case: 19554

(a) Information that the board requires relative to the 19555
qualifications of a terminal distributor of dangerous drugs set 19556
forth in section 4729.55 of the Revised Code; 19557

(b) A statement that the person wishes to be licensed as a 19558
category I, category II, category III, limited category I, limited 19559
category II, or limited category III terminal distributor of 19560
dangerous drugs; 19561

(c) If the person wishes to be licensed as a limited category 19562
I, limited category II, or limited category III terminal 19563
distributor of dangerous drugs, a notarized list of the dangerous 19564
drugs that the person wishes to possess, have custody or control 19565
of, and distribute, which list shall also specify the purpose for 19566
which those drugs will be used and their source; 19567

(d) If the person is an emergency medical service 19568
organization, the information that is specified in division (C)(1) 19569
of this section; 19570

(e) Except for an emergency medical service organization, the 19571
identity of the one establishment or place at which the person 19572
intends to engage in the sale or other distribution of dangerous 19573
drugs at retail, and maintain possession, custody, or control of 19574
dangerous drugs for purposes other than the person's own use or 19575
consumption; 19576

(f) If the application pertains to a pain management clinic, 19577
information that demonstrates, to the satisfaction of the board, 19578
compliance with division (A) of section 4729.552 of the Revised 19579
Code. 19580

(C)(1) An emergency medical service organization that wishes 19581
to be licensed as a terminal distributor of dangerous drugs shall 19582
list in its application for licensure the following additional 19583

information: 19584

(a) The units under its control that the organization 19585
determines will possess dangerous drugs for the purpose of 19586
administering emergency medical services in accordance with 19587
Chapter 4765. of the Revised Code; 19588

(b) With respect to each such unit, whether the dangerous 19589
drugs that the organization determines the unit will possess are 19590
in category I, II, or III. 19591

(2) An emergency medical service organization that is 19592
licensed as a terminal distributor of dangerous drugs shall file a 19593
new application for such licensure if there is any change in the 19594
number, or location of, any of its units or any change in the 19595
category of the dangerous drugs that any unit will possess. 19596

(3) A unit listed in an application for licensure pursuant to 19597
division (C)(1) of this section may obtain the dangerous drugs it 19598
is authorized to possess from its emergency medical service 19599
organization or, on a replacement basis, from a hospital pharmacy. 19600
If units will obtain dangerous drugs from a hospital pharmacy, the 19601
organization shall file, and maintain in current form, the 19602
following items with the pharmacist who is responsible for the 19603
hospital's terminal distributor of dangerous drugs license: 19604

(a) A copy of its standing orders or protocol; 19605

(b) A list of the personnel employed or used by the 19606
organization to provide emergency medical services in accordance 19607
with Chapter 4765. of the Revised Code, who are authorized to 19608
possess the drugs, which list also shall indicate the personnel 19609
who are authorized to administer the drugs. 19610

(D) Each emergency medical service organization that applies 19611
for a terminal distributor of dangerous drugs license shall submit 19612
with its application the following: 19613

(1) A notarized copy of its standing orders or protocol, 19614
which orders or protocol shall be signed by a physician and 19615
specify the dangerous drugs that its units may carry, expressed in 19616
standard dose units; 19617

(2) A list of the personnel employed or used by the 19618
organization to provide emergency medical services in accordance 19619
with Chapter 4765. of the Revised Code. 19620

An emergency medical service organization that is licensed as 19621
a terminal distributor shall notify the board immediately of any 19622
changes in its standing orders or protocol. 19623

(E) There shall be six categories of terminal distributor of 19624
dangerous drugs licenses, which categories shall be as follows: 19625

(1) Category I license. A person who obtains this license may 19626
possess, have custody or control of, and distribute only the 19627
dangerous drugs described in category I. 19628

(2) Limited category I license. A person who obtains this 19629
license may possess, have custody or control of, and distribute 19630
only the dangerous drugs described in category I that were listed 19631
in the application for licensure. 19632

(3) Category II license. A person who obtains this license 19633
may possess, have custody or control of, and distribute only the 19634
dangerous drugs described in category I and category II. 19635

(4) Limited category II license. A person who obtains this 19636
license may possess, have custody or control of, and distribute 19637
only the dangerous drugs described in category I or category II 19638
that were listed in the application for licensure. 19639

(5) Category III license, which may include a pain management 19640
clinic classification issued under section 4729.552 of the Revised 19641
Code. A person who obtains this license may possess, have custody 19642
or control of, and distribute the dangerous drugs described in 19643

category I, category II, and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic.

(6) Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I, category II, or category III that were listed in the application for licensure.

(F) Except for an application made on behalf of an animal shelter, if an applicant for licensure as a limited category I, II, or III terminal distributor of dangerous drugs intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a notarized copy of its protocol or standing orders, which protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state. An application made on behalf of an animal shelter shall include a notarized list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code. After obtaining a terminal distributor license, a licensee shall notify the board immediately of any changes in its protocol or standing orders, or in such personnel.

(G)(1) Except as provided in division (G)(2) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee determined as follows:

(a) For a category I or limited category I license, forty-five dollars;

(b) For a category II or limited category II license, one

hundred twelve dollars and fifty cents; 19675

(c) For a category III license, including a license with a 19676
pain management clinic classification issued under section 19677
4729.552 of the Revised Code, or a limited category III license, 19678
one hundred fifty dollars. 19679

(2) For a professional association, corporation, partnership, 19680
or limited liability company organized for the purpose of 19681
practicing veterinary medicine, the fee shall be forty dollars. 19682

(3) Fees assessed under divisions (G)(1) and (2) of this 19683
section shall not be returned if the applicant fails to qualify 19684
for registration. 19685

(H)(1) The board shall issue a terminal distributor of 19686
dangerous drugs license to each person who submits an application 19687
for such licensure in accordance with this section, pays the 19688
required license fee, is determined by the board to meet the 19689
requirements set forth in section 4729.55 of the Revised Code, and 19690
satisfies any other applicable requirements of this section. 19691

(2) The license of a person other than an emergency medical 19692
service organization shall describe the one establishment or place 19693
at which the licensee may engage in the sale or other distribution 19694
of dangerous drugs at retail and maintain possession, custody, or 19695
control of dangerous drugs for purposes other than the licensee's 19696
own use or consumption. The one establishment or place shall be 19697
that which is described in the application for licensure. 19698

No such license shall authorize or permit the terminal 19699
distributor of dangerous drugs named in it to engage in the sale 19700
or other distribution of dangerous drugs at retail or to maintain 19701
possession, custody, or control of dangerous drugs for any purpose 19702
other than the distributor's own use or consumption, at any 19703
establishment or place other than that described in the license, 19704
except that an agent or employee of an animal shelter may possess 19705

and use dangerous drugs in the course of business as provided in 19706
division (D) of section 4729.532 of the Revised Code. 19707

(3) The license of an emergency medical service organization 19708
shall cover and describe all the units of the organization listed 19709
in its application for licensure. 19710

(4) The license of every terminal distributor of dangerous 19711
drugs shall indicate, on its face, the category of licensure. If 19712
the license is a limited category I, II, or III license, it shall 19713
specify, and shall authorize the licensee to possess, have custody 19714
or control of, and distribute only, the dangerous drugs that were 19715
listed in the application for licensure. 19716

(I) All licenses issued pursuant to this section shall be 19717
effective for a period of twelve months from the first day of 19718
~~January~~ April of each year. A license shall be renewed by the 19719
board for a like period, annually, according to the provisions of 19720
this section, and the standard renewal procedure of Chapter 4745. 19721
of the Revised Code. A person who desires to renew a license shall 19722
submit an application for renewal and pay the required fee on or 19723
before the thirty-first day of ~~December~~ March each year. The fee 19724
required for the renewal of a license shall be the same as the fee 19725
paid for the license being renewed, and shall accompany the 19726
application for renewal. 19727

A license that has not been renewed during ~~December~~ March in 19728
any year and by the first day of ~~February~~ May of the following 19729
same year may be reinstated only upon payment of the required 19730
renewal fee and a penalty fee of fifty-five dollars. 19731

(J)(1) No emergency medical service organization that is 19732
licensed as a terminal distributor of dangerous drugs shall fail 19733
to comply with division (C)(2) or (3) of this section. 19734

(2) No emergency medical service organization that is 19735
licensed as a terminal distributor of dangerous drugs shall fail 19736

to comply with division (D) of this section. 19737

(3) No licensed terminal distributor of dangerous drugs shall 19738
possess, have custody or control of, or distribute dangerous drugs 19739
that the terminal distributor is not entitled to possess, have 19740
custody or control of, or distribute by virtue of its category of 19741
licensure. 19742

(4) No licensee that is required by division (F) of this 19743
section to notify the board of changes in its protocol or standing 19744
orders, or in personnel, shall fail to comply with that division. 19745

Sec. 4729.541. (A) Except as provided in ~~division~~ divisions 19746
(B) and (C) of this section, a business entity described in 19747
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code 19748
may possess, have custody or control of, and distribute the 19749
dangerous drugs in category I, category II, and category III ~~of,~~ 19750
as defined in section 4729.54 of the Revised Code, without holding 19751
a terminal distributor of dangerous drugs license issued under 19752
that section. 19753

(B) If a business entity described in division (B)(1)(j) or 19754
(k) of section 4729.51 of the Revised Code is a pain management 19755
clinic or is operating a pain management clinic, the entity shall 19756
hold a license as a terminal distributor of dangerous drugs with a 19757
pain management clinic classification issued under section 19758
4729.552 of the Revised Code. 19759

(C) Beginning April 1, 2015, a business entity described in 19760
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code 19761
shall hold a license as a terminal distributor of dangerous drugs 19762
in order to possess, have custody or control of, and distribute 19763
dangerous drugs that are compounded or used for the purpose of 19764
compounding. 19765

Sec. 4729.65. (A) Except as provided in division (B) of this 19766

section, all receipts of the state board of pharmacy, from any 19767
source, shall be deposited into the state treasury to the credit 19768
of the occupational licensing and regulatory fund. All vouchers of 19769
the board shall be approved by the president or executive director 19770
of the board, or both, as authorized by the board. All initial 19771
issuance fees and renewal fees required by sections 4729.01 to 19772
4729.54 of the Revised Code shall be payable by the applicant at 19773
the time of making application. 19774

(B)(1) There is hereby created in the state treasury the 19775
board of pharmacy drug law enforcement fund. All moneys that are 19776
derived from any fines, mandatory fines, or forfeited bail to 19777
which the board may be entitled under Chapter 2925., division (C) 19778
of section 2923.42, or division (B) of section 2925.42 of the 19779
Revised Code and all moneys that are derived from forfeitures of 19780
property to which the board may be entitled pursuant to Chapter 19781
2925. or 2981. of the Revised Code, any other provision of the 19782
Revised Code, or federal law shall be deposited into the fund. 19783
Subject to division (B)(2) of this section, division (B) of 19784
section 2923.44, and divisions (B), (C), and (D) of section 19785
2981.13 of the Revised Code, the moneys in the fund shall be used 19786
solely to subsidize the drug law enforcement efforts of the board. 19787

(2) Notwithstanding any contrary provision in the Revised 19788
Code, moneys that are derived from forfeitures of property 19789
pursuant to federal law and that are deposited into the board of 19790
pharmacy drug law enforcement fund in accordance with division 19791
(B)(1) of this section shall be used and accounted for in 19792
accordance with the applicable federal law, and the board 19793
otherwise shall comply with that law in connection with the 19794
moneys. 19795

(C) All fines and forfeited bonds assessed and collected 19796
under prosecution or prosecution commenced in the enforcement of 19797
this chapter shall be paid to the executive director of the board 19798

within thirty days and by the executive director paid into the 19799
state treasury to the credit of the occupational licensing and 19800
regulatory fund. ~~The~~ 19801

(D)(1) Except as provided in divisions (D)(2) and (3) of this 19802
section, the board, subject to the approval of the controlling 19803
board and except for fees required to be established by the board 19804
at amounts "adequate" to cover designated expenses, may establish 19805
fees in excess of the amounts provided by this chapter, provided 19806
that such fees do not exceed the amounts permitted by this chapter 19807
by more than fifty per cent. 19808

(2) Division (D)(1) of this section does not apply to fees 19809
required by this chapter to be established at amounts adequate to 19810
cover designated expenses. 19811

(3) Fees established under division (D)(1) of this section or 19812
described in division (D)(2) of this section are subject to the 19813
limitation on fee increases specified in division (A) of section 19814
4729.83 of the Revised Code. 19815

Sec. 4729.80. (A) If the state board of pharmacy establishes 19816
and maintains a drug database pursuant to section 4729.75 of the 19817
Revised Code, the board is authorized or required to provide 19818
information from the database in accordance with the following: 19819

(1) On receipt of a request from a designated representative 19820
of a government entity responsible for the licensure, regulation, 19821
or discipline of health care professionals with authority to 19822
prescribe, administer, or dispense drugs, the board may provide to 19823
the representative information from the database relating to the 19824
professional who is the subject of an active investigation being 19825
conducted by the government entity. 19826

(2) On receipt of a request from a federal officer, or a 19827
state or local officer of this or any other state, whose duties 19828

include enforcing laws relating to drugs, the board shall provide 19829
to the officer information from the database relating to the 19830
person who is the subject of an active investigation of a drug 19831
abuse offense, as defined in section 2925.01 of the Revised Code, 19832
being conducted by the officer's employing government entity. 19833

(3) Pursuant to a subpoena issued by a grand jury, the board 19834
shall provide to the grand jury information from the database 19835
relating to the person who is the subject of an investigation 19836
being conducted by the grand jury. 19837

(4) Pursuant to a subpoena, search warrant, or court order in 19838
connection with the investigation or prosecution of a possible or 19839
alleged criminal offense, the board shall provide information from 19840
the database as necessary to comply with the subpoena, search 19841
warrant, or court order. 19842

(5) On receipt of a request from a prescriber or the 19843
prescriber's delegate approved by the board, the board ~~may~~ shall 19844
provide to the prescriber a report of information from the 19845
database relating to a patient who is either ~~of the following~~ a 19846
current patient of the prescriber or a potential patient of the 19847
prescriber based on a referral of the patient to the prescriber, 19848
~~if the prescriber certifies in a form specified by the board that~~ 19849
~~it is for the purpose of providing medical treatment to the~~ 19850
~~patient who is the subject of the request~~ all of the following 19851
conditions are met: 19852

(a) ~~A current patient of the prescriber~~ The prescriber 19853
certifies in a form specified by the board that it is for the 19854
purpose of providing medical treatment to the patient who is the 19855
subject of the request; 19856

(b) ~~A potential patient of the prescriber based on a referral~~ 19857
~~of the patient to the prescriber~~ The prescriber has not been 19858
denied access to the database by the board. 19859

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board ~~may~~ shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own database information.

(8) On receipt of a request from the medical director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from the medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4)

of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.443 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board ~~may~~ shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

~~(11)~~(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the

laws of this state. 19924

(B) The state board of pharmacy shall maintain a record of 19925
each individual or entity that requests information from the 19926
database pursuant to this section. In accordance with rules 19927
adopted under section 4729.84 of the Revised Code, the board may 19928
use the records to document and report statistics and law 19929
enforcement outcomes. 19930

The board may provide records of an individual's requests for 19931
database information to the following: 19932

(1) A designated representative of a government entity that 19933
is responsible for the licensure, regulation, or discipline of 19934
health care professionals with authority to prescribe, administer, 19935
or dispense drugs who is involved in an active investigation being 19936
conducted by the government entity of the individual who submitted 19937
the requests for database information; 19938

(2) A federal officer, or a state or local officer of this or 19939
any other state, whose duties include enforcing laws relating to 19940
drugs and who is involved in an active investigation being 19941
conducted by the officer's employing government entity of the 19942
individual who submitted the requests for database information. 19943

(C) Information contained in the database and any information 19944
obtained from it is not a public record. Information contained in 19945
the records of requests for information from the database is not a 19946
public record. Information that does not identify a person may be 19947
released in summary, statistical, or aggregate form. 19948

(D) A pharmacist or prescriber shall not be held liable in 19949
damages to any person in any civil action for injury, death, or 19950
loss to person or property on the basis that the pharmacist or 19951
prescriber did or did not seek or obtain information from the 19952
database. 19953

Sec. 4729.83. (A) If the state board of pharmacy establishes 19954
and maintains a drug database pursuant to section 4729.75 of the 19955
Revised Code, the board may use, for the purpose of establishing 19956
or maintaining the database, any portion of the fees collected 19957
under section 4729.15, 4729.52, or 4729.54 of the Revised Code for 19958
the licensing or registration of pharmacists, pharmacy interns, 19959
wholesale distributors of dangerous drugs, or terminal 19960
distributors of dangerous drugs. The board shall not increase the 19961
amount of any of those fees solely for the purpose of establishing 19962
or maintaining the database. 19963

The board shall not impose any charge on a ~~terminal~~ 19964
distributor of dangerous drugs, pharmacist, or prescriber for the 19965
establishment or maintenance of the database. The board shall not 19966
charge any fees for the transmission of data to the database or 19967
for the receipt of information from the database, except that the 19968
board may charge a fee in accordance with rules adopted under 19969
section 4729.84 of the Revised Code to an individual who requests 19970
the individual's own database information under section 4729.80 of 19971
the Revised Code. 19972

(B) The board may accept grants, gifts, or donations for 19973
purposes of the drug database. Any money received shall be 19974
deposited into the state treasury to the credit of the drug 19975
database fund, which is hereby created. Money in the fund shall be 19976
used solely for purposes of the drug database. 19977

Sec. 4729.86. If the state board of pharmacy establishes and 19978
maintains a drug database pursuant to section 4729.75 of the 19979
Revised Code, all of the following apply: 19980

(A)(1) No person identified in divisions (A)(1) to ~~(10)~~(12) 19981
or (B) of section 4729.80 of the Revised Code shall disseminate 19982
any written or electronic information the person receives from the 19983

drug database or otherwise provide another person access to the 19984
information that the person receives from the database, except as 19985
follows: 19986

(a) When necessary in the investigation or prosecution of a 19987
possible or alleged criminal offense; 19988

(b) When a person provides the information to the prescriber 19989
or pharmacist for whom the person is approved by the board to 19990
serve as a delegate of the prescriber or pharmacist for purposes 19991
of requesting and receiving information from the drug database 19992
under division (A)(5) or (6) of section 4729.80 of the Revised 19993
Code; 19994

(c) When a prescriber or pharmacist provides the information 19995
to a person who is approved by the board to serve as such a 19996
delegate of the prescriber or pharmacist. 19997

(2) No person shall provide false information to the state 19998
board of pharmacy with the intent to obtain or alter information 19999
contained in the drug database. 20000

(3) No person shall obtain drug database information by any 20001
means except as provided under section 4729.80 or 4729.81 of the 20002
Revised Code. 20003

(B) A person shall not use information obtained pursuant to 20004
division (A) of section 4729.80 of the Revised Code as evidence in 20005
any civil or administrative proceeding. 20006

(C)(1) The Except as provided in division (C)(2) of this 20007
section, after providing notice and affording an opportunity for a 20008
hearing in accordance with Chapter 119. of the Revised Code, the 20009
board may restrict a person from obtaining further information 20010
from the drug database if any of the following is the case: 20011

(a) The person violates division (A)(1), (2), or (3) of this 20012
section; 20013

(b) The person is a requestor identified in division 20014
(A)~~(11)~~(13) of section 4729.80 of the Revised Code and the board 20015
determines that the person's actions in another state would have 20016
constituted a violation of division (A)(1), (2), or (3) of this 20017
section; 20018

(c) The person fails to comply with division (B) of this 20019
section, regardless of the jurisdiction in which the failure to 20020
comply occurred; 20021

(d) The person creates, by clear and convincing evidence, a 20022
threat to the security of information contained in the database. 20023

(2) If the board determines that allegations regarding a 20024
person's actions warrant restricting the person from obtaining 20025
further information from the drug database without a prior 20026
hearing, the board may summarily impose the restriction. A 20027
telephone conference call may be used for reviewing the 20028
allegations and taking a vote on the summary restriction. The 20029
summary restriction shall remain in effect, unless removed by the 20030
board, until the board's final adjudication order becomes 20031
effective. 20032

(3) The board shall determine the extent to which the person 20033
is restricted from obtaining further information from the 20034
database. 20035

Sec. 4729.861. If the state board of pharmacy establishes and 20036
maintains a drug database pursuant to section 4729.75 of the 20037
Revised Code and if the board restricts a prescriber from 20038
obtaining further information from the database pursuant to 20039
division (C) of section 4729.86 of the Revised Code, the board 20040
shall notify the government entity responsible for licensing the 20041
prescriber. 20042

Sec. 4730.093. When a physician assistant orders a test for 20043

the presence of Lyme disease in a patient, the physician assistant 20044
or physician assistant's delegate shall provide to the patient or 20045
patient's representative a written notice with the following 20046
information: 20047

"Your health care provider has ordered a test for the 20048
presence of Lyme disease. Current testing for Lyme disease can be 20049
problematic and may lead to false results. If you are tested for 20050
Lyme disease and the results are positive, this does not 20051
necessarily mean that you have contracted Lyme disease. In the 20052
alternative, if the results are negative, this does not 20053
necessarily mean that you have not contracted Lyme disease. If you 20054
continue to experience symptoms or have other health concerns, you 20055
should contact your health care provider and inquire about the 20056
appropriateness of additional testing or treatment." 20057

The physician assistant or physician assistant's delegate 20058
shall obtain a signature from the patient or patient's 20059
representative indicating receipt of the notice. The document 20060
containing the signature shall be kept in the patient's record. 20061

Sec. 4730.25. (A) The state medical board, by an affirmative 20062
vote of not fewer than six members, may revoke or may refuse to 20063
grant a certificate to practice as a physician assistant or a 20064
certificate to prescribe to a person found by the board to have 20065
committed fraud, misrepresentation, or deception in applying for 20066
or securing the certificate. 20067

(B) The board, by an affirmative vote of not fewer than six 20068
members, shall, to the extent permitted by law, limit, revoke, or 20069
suspend an individual's certificate to practice as a physician 20070
assistant or certificate to prescribe, refuse to issue a 20071
certificate to an applicant, refuse to reinstate a certificate, or 20072
reprimand or place on probation the holder of a certificate for 20073
any of the following reasons: 20074

- (1) Failure to practice in accordance with the conditions 20075
under which the supervising physician's supervision agreement with 20076
the physician assistant was approved, including the requirement 20077
that when practicing under a particular supervising physician, the 20078
physician assistant must practice only according to the physician 20079
supervisory plan the board approved for that physician or the 20080
policies of the health care facility in which the supervising 20081
physician and physician assistant are practicing; 20082
- (2) Failure to comply with the requirements of this chapter, 20083
Chapter 4731. of the Revised Code, or any rules adopted by the 20084
board; 20085
- (3) Violating or attempting to violate, directly or 20086
indirectly, or assisting in or abetting the violation of, or 20087
conspiring to violate, any provision of this chapter, Chapter 20088
4731. of the Revised Code, or the rules adopted by the board; 20089
- (4) Inability to practice according to acceptable and 20090
prevailing standards of care by reason of mental illness or 20091
physical illness, including physical deterioration that adversely 20092
affects cognitive, motor, or perceptive skills; 20093
- (5) Impairment of ability to practice according to acceptable 20094
and prevailing standards of care because of habitual or excessive 20095
use or abuse of drugs, alcohol, or other substances that impair 20096
ability to practice; 20097
- (6) Administering drugs for purposes other than those 20098
authorized under this chapter; 20099
- (7) Willfully betraying a professional confidence; 20100
- (8) Making a false, fraudulent, deceptive, or misleading 20101
statement in soliciting or advertising for employment as a 20102
physician assistant; in connection with any solicitation or 20103
advertisement for patients; in relation to the practice of 20104
medicine as it pertains to physician assistants; or in securing or 20105

attempting to secure a certificate to practice as a physician 20106
assistant, a certificate to prescribe, or approval of a 20107
supervision agreement. 20108

As used in this division, "false, fraudulent, deceptive, or 20109
misleading statement" means a statement that includes a 20110
misrepresentation of fact, is likely to mislead or deceive because 20111
of a failure to disclose material facts, is intended or is likely 20112
to create false or unjustified expectations of favorable results, 20113
or includes representations or implications that in reasonable 20114
probability will cause an ordinarily prudent person to 20115
misunderstand or be deceived. 20116

(9) Representing, with the purpose of obtaining compensation 20117
or other advantage personally or for any other person, that an 20118
incurable disease or injury, or other incurable condition, can be 20119
permanently cured; 20120

(10) The obtaining of, or attempting to obtain, money or 20121
anything of value by fraudulent misrepresentations in the course 20122
of practice; 20123

(11) A plea of guilty to, a judicial finding of guilt of, or 20124
a judicial finding of eligibility for intervention in lieu of 20125
conviction for, a felony; 20126

(12) Commission of an act that constitutes a felony in this 20127
state, regardless of the jurisdiction in which the act was 20128
committed; 20129

(13) A plea of guilty to, a judicial finding of guilt of, or 20130
a judicial finding of eligibility for intervention in lieu of 20131
conviction for, a misdemeanor committed in the course of practice; 20132

(14) A plea of guilty to, a judicial finding of guilt of, or 20133
a judicial finding of eligibility for intervention in lieu of 20134
conviction for, a misdemeanor involving moral turpitude; 20135

(15) 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;	20136 20137 20138
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	20139 20140 20141
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	20142 20143 20144 20145 20146
(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	20147 20148 20149 20150 20151 20152 20153 20154
(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;	20155 20156 20157 20158
(20) Violation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement;	20159 20160 20161
(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	20162 20163 20164
(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including	20165 20166

failure to comply with a subpoena or order issued by the board or 20167
failure to answer truthfully a question presented by the board at 20168
a deposition or in written interrogatories, except that failure to 20169
cooperate with an investigation shall not constitute grounds for 20170
discipline under this section if a court of competent jurisdiction 20171
has issued an order that either quashes a subpoena or permits the 20172
individual to withhold the testimony or evidence in issue; 20173

(23) Assisting suicide as defined in section 3795.01 of the 20174
Revised Code; 20175

(24) Prescribing any drug or device to perform or induce an 20176
abortion, or otherwise performing or inducing an abortion; 20177

(25) Failure to comply with section 4730.53 of the Revised 20178
Code, unless the board no longer maintains a drug database 20179
pursuant to section 4729.75 of the Revised Code. 20180

(C) Disciplinary actions taken by the board under divisions 20181
(A) and (B) of this section shall be taken pursuant to an 20182
adjudication under Chapter 119. of the Revised Code, except that 20183
in lieu of an adjudication, the board may enter into a consent 20184
agreement with a physician assistant or applicant to resolve an 20185
allegation of a violation of this chapter or any rule adopted 20186
under it. A consent agreement, when ratified by an affirmative 20187
vote of not fewer than six members of the board, shall constitute 20188
the findings and order of the board with respect to the matter 20189
addressed in the agreement. If the board refuses to ratify a 20190
consent agreement, the admissions and findings contained in the 20191
consent agreement shall be of no force or effect. 20192

(D) For purposes of divisions (B)(12), (15), and (16) of this 20193
section, the commission of the act may be established by a finding 20194
by the board, pursuant to an adjudication under Chapter 119. of 20195
the Revised Code, that the applicant or certificate holder 20196
committed the act in question. The board shall have no 20197

jurisdiction under these divisions in cases where the trial court 20198
renders a final judgment in the certificate holder's favor and 20199
that judgment is based upon an adjudication on the merits. The 20200
board shall have jurisdiction under these divisions in cases where 20201
the trial court issues an order of dismissal upon technical or 20202
procedural grounds. 20203

(E) The sealing of conviction records by any court shall have 20204
no effect upon a prior board order entered under the provisions of 20205
this section or upon the board's jurisdiction to take action under 20206
the provisions of this section if, based upon a plea of guilty, a 20207
judicial finding of guilt, or a judicial finding of eligibility 20208
for intervention in lieu of conviction, the board issued a notice 20209
of opportunity for a hearing prior to the court's order to seal 20210
the records. The board shall not be required to seal, destroy, 20211
redact, or otherwise modify its records to reflect the court's 20212
sealing of conviction records. 20213

(F) For purposes of this division, any individual who holds a 20214
certificate issued under this chapter, or applies for a 20215
certificate issued under this chapter, shall be deemed to have 20216
given consent to submit to a mental or physical examination when 20217
directed to do so in writing by the board and to have waived all 20218
objections to the admissibility of testimony or examination 20219
reports that constitute a privileged communication. 20220

(1) In enforcing division (B)(4) of this section, the board, 20221
upon a showing of a possible violation, may compel any individual 20222
who holds a certificate issued under this chapter or who has 20223
applied for a certificate pursuant to this chapter to submit to a 20224
mental examination, physical examination, including an HIV test, 20225
or both a mental and physical examination. The expense of the 20226
examination is the responsibility of the individual compelled to 20227
be examined. Failure to submit to a mental or physical examination 20228
or consent to an HIV test ordered by the board constitutes an 20229

admission of the allegations against the individual unless the 20230
failure is due to circumstances beyond the individual's control, 20231
and a default and final order may be entered without the taking of 20232
testimony or presentation of evidence. If the board finds a 20233
physician assistant unable to practice because of the reasons set 20234
forth in division (B)(4) of this section, the board shall require 20235
the physician assistant to submit to care, counseling, or 20236
treatment by physicians approved or designated by the board, as a 20237
condition for an initial, continued, reinstated, or renewed 20238
certificate. An individual affected under this division shall be 20239
afforded an opportunity to demonstrate to the board the ability to 20240
resume practicing in compliance with acceptable and prevailing 20241
standards of care. 20242

(2) For purposes of division (B)(5) of this section, if the 20243
board has reason to believe that any individual who holds a 20244
certificate issued under this chapter or any applicant for a 20245
certificate suffers such impairment, the board may compel the 20246
individual to submit to a mental or physical examination, or both. 20247
The expense of the examination is the responsibility of the 20248
individual compelled to be examined. Any mental or physical 20249
examination required under this division shall be undertaken by a 20250
treatment provider or physician qualified to conduct such 20251
examination and chosen by the board. 20252

Failure to submit to a mental or physical examination ordered 20253
by the board constitutes an admission of the allegations against 20254
the individual unless the failure is due to circumstances beyond 20255
the individual's control, and a default and final order may be 20256
entered without the taking of testimony or presentation of 20257
evidence. If the board determines that the individual's ability to 20258
practice is impaired, the board shall suspend the individual's 20259
certificate or deny the individual's application and shall require 20260
the individual, as a condition for initial, continued, reinstated, 20261

or renewed certification to practice or prescribe, to submit to treatment. 20262
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Before being eligible to apply for reinstatement of a certificate suspended under this division, the physician assistant shall demonstrate to the board the ability to resume practice or prescribing in compliance with acceptable and prevailing standards of care. The demonstration shall include the following: 20264
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(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment; 20269
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(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 20272
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(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 20274
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The board may reinstate a certificate suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 20280
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When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the physician assistant has maintained sobriety. 20283
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(G) If the secretary and supervising member determine that 20292

there is clear and convincing evidence that a physician assistant 20293
has violated division (B) of this section and that the 20294
individual's continued practice or prescribing presents a danger 20295
of immediate and serious harm to the public, they may recommend 20296
that the board suspend the individual's certificate to practice or 20297
prescribe without a prior hearing. Written allegations shall be 20298
prepared for consideration by the board. 20299

The board, upon review of those allegations and by an 20300
affirmative vote of not fewer than six of its members, excluding 20301
the secretary and supervising member, may suspend a certificate 20302
without a prior hearing. A telephone conference call may be 20303
utilized for reviewing the allegations and taking the vote on the 20304
summary suspension. 20305

The board shall issue a written order of suspension by 20306
certified mail or in person in accordance with section 119.07 of 20307
the Revised Code. The order shall not be subject to suspension by 20308
the court during pendency of any appeal filed under section 119.12 20309
of the Revised Code. If the physician assistant requests an 20310
adjudicatory hearing by the board, the date set for the hearing 20311
shall be within fifteen days, but not earlier than seven days, 20312
after the physician assistant requests the hearing, unless 20313
otherwise agreed to by both the board and the certificate holder. 20314

A summary suspension imposed under this division shall remain 20315
in effect, unless reversed on appeal, until a final adjudicative 20316
order issued by the board pursuant to this section and Chapter 20317
119. of the Revised Code becomes effective. The board shall issue 20318
its final adjudicative order within sixty days after completion of 20319
its hearing. Failure to issue the order within sixty days shall 20320
result in dissolution of the summary suspension order, but shall 20321
not invalidate any subsequent, final adjudicative order. 20322

(H) If the board takes action under division (B)(11), (13), 20323
or (14) of this section, and the judicial finding of guilt, guilty 20324

plea, or judicial finding of eligibility for intervention in lieu 20325
of conviction is overturned on appeal, upon exhaustion of the 20326
criminal appeal, a petition for reconsideration of the order may 20327
be filed with the board along with appropriate court documents. 20328
Upon receipt of a petition and supporting court documents, the 20329
board shall reinstate the certificate to practice or prescribe. 20330
The board may then hold an adjudication under Chapter 119. of the 20331
Revised Code to determine whether the individual committed the act 20332
in question. Notice of opportunity for hearing shall be given in 20333
accordance with Chapter 119. of the Revised Code. If the board 20334
finds, pursuant to an adjudication held under this division, that 20335
the individual committed the act, or if no hearing is requested, 20336
it may order any of the sanctions identified under division (B) of 20337
this section. 20338

(I) The certificate to practice issued to a physician 20339
assistant and the physician assistant's practice in this state are 20340
automatically suspended as of the date the physician assistant 20341
pleads guilty to, is found by a judge or jury to be guilty of, or 20342
is subject to a judicial finding of eligibility for intervention 20343
in lieu of conviction in this state or treatment or intervention 20344
in lieu of conviction in another state for any of the following 20345
criminal offenses in this state or a substantially equivalent 20346
criminal offense in another jurisdiction: aggravated murder, 20347
murder, voluntary manslaughter, felonious assault, kidnapping, 20348
rape, sexual battery, gross sexual imposition, aggravated arson, 20349
aggravated robbery, or aggravated burglary. Continued practice 20350
after the suspension shall be considered practicing without a 20351
certificate. 20352

The board shall notify the individual subject to the 20353
suspension by certified mail or in person in accordance with 20354
section 119.07 of the Revised Code. If an individual whose 20355
certificate is suspended under this division fails to make a 20356

timely request for an adjudication under Chapter 119. of the 20357
Revised Code, the board shall enter a final order permanently 20358
revoking the individual's certificate to practice. 20359

(J) In any instance in which the board is required by Chapter 20360
119. of the Revised Code to give notice of opportunity for hearing 20361
and the individual subject to the notice does not timely request a 20362
hearing in accordance with section 119.07 of the Revised Code, the 20363
board is not required to hold a hearing, but may adopt, by an 20364
affirmative vote of not fewer than six of its members, a final 20365
order that contains the board's findings. In that final order, the 20366
board may order any of the sanctions identified under division (A) 20367
or (B) of this section. 20368

(K) Any action taken by the board under division (B) of this 20369
section resulting in a suspension shall be accompanied by a 20370
written statement of the conditions under which the physician 20371
assistant's certificate may be reinstated. The board shall adopt 20372
rules in accordance with Chapter 119. of the Revised Code 20373
governing conditions to be imposed for reinstatement. 20374
Reinstatement of a certificate suspended pursuant to division (B) 20375
of this section requires an affirmative vote of not fewer than six 20376
members of the board. 20377

(L) When the board refuses to grant to an applicant a 20378
certificate to practice as a physician assistant or a certificate 20379
to prescribe, revokes an individual's certificate, refuses to 20380
issue a certificate, or refuses to reinstate an individual's 20381
certificate, the board may specify that its action is permanent. 20382
An individual subject to a permanent action taken by the board is 20383
forever thereafter ineligible to hold the certificate and the 20384
board shall not accept an application for reinstatement of the 20385
certificate or for issuance of a new certificate. 20386

(M) Notwithstanding any other provision of the Revised Code, 20387
all of the following apply: 20388

(1) The surrender of a certificate issued under this chapter 20389
is not effective unless or until accepted by the board. 20390
Reinstatement of a certificate surrendered to the board requires 20391
an affirmative vote of not fewer than six members of the board. 20392

(2) An application made under this chapter for a certificate, 20393
approval of a physician supervisory plan, or approval of a 20394
supervision agreement may not be withdrawn without approval of the 20395
board. 20396

(3) Failure by an individual to renew a certificate in 20397
accordance with section 4730.14 or section 4730.48 of the Revised 20398
Code shall not remove or limit the board's jurisdiction to take 20399
disciplinary action under this section against the individual. 20400

Sec. 4730.48. (A)(1) Except in the case of a provisional 20401
certificate to prescribe, a physician assistant's certificate to 20402
prescribe expires on the same date as the physician assistant's 20403
certificate to practice as a physician assistant, as provided in 20404
section 4730.14 of the Revised Code. The certificate to prescribe 20405
may be renewed in accordance with this section. 20406

(2) A person seeking to renew a certificate to prescribe 20407
shall, on or before the thirty-first day of January of each 20408
even-numbered year, apply for renewal of the certificate. The 20409
state medical board shall send renewal notices at least one month 20410
prior to the expiration date. The notice may be sent as part of 20411
the notice sent for renewal of the certificate to practice. 20412

(3) Applications for renewal shall be submitted to the board 20413
on forms the board shall prescribe and furnish. An application for 20414
renewal of a certificate to prescribe may be submitted in 20415
conjunction with an application for renewal of a certificate to 20416
practice. 20417

(4)(a) Except as provided in division (A)(4)(b) of this 20418

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. 20419
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(b) The requirement in division (A)(4)(a) of this section does not apply if either of the following is the case: 20424
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(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. 20426
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(ii) The state board of pharmacy no longer maintains the drug database. 20430
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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 4730.25 of the Revised Code. 20432
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(5) Each application for renewal of a certificate to prescribe shall be accompanied by a biennial renewal fee of fifty dollars. The board shall deposit the fees in accordance with section 4731.24 of the Revised Code. 20437
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(6) The applicant shall report any criminal offense that constitutes grounds under section 4730.25 of the Revised Code for refusing to issue a certificate to prescribe 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 signing an application for a certificate to prescribe. 20441
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(B) The board shall review all renewal applications received. If an applicant submits a complete renewal application and meets 20448
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the requirements for renewal specified in section 4730.49 of the Revised Code, the board shall issue to the applicant a renewed certificate to prescribe.

Sec. 4730.53. (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 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. 20481

(3) On receipt of a report under division (B)(1) or (2) of 20482
this section, the physician assistant shall assess the information 20483
in the report. The physician assistant shall document in the 20484
patient's record that the report was received and the information 20485
was assessed. 20486

(C) Division (B) of this section does not apply in any of the 20487
following circumstances: 20488

(1) A drug database report regarding the patient is not 20489
available, in which case the physician assistant shall document in 20490
the patient's record the reason that the report is not available. 20491

(2) The drug is prescribed in an amount indicated for a 20492
period not to exceed seven days. 20493

(3) The drug is prescribed for the treatment of cancer or 20494
another condition associated with cancer. 20495

(4) The drug is prescribed to a hospice patient in a hospice 20496
care program, as those terms are defined in section 3712.01 of the 20497
Revised Code, or any other patient diagnosed as terminally ill. 20498

(5) The drug is prescribed for administration in a hospital, 20499
nursing home, or residential care facility. 20500

(D) With respect to prescribing any drug that is not an 20501
opioid analgesic or a benzodiazepine but is included in the drug 20502
database pursuant to rules adopted under section 4729.84 of the 20503
Revised Code, the state medical board shall adopt rules ~~in~~ 20504
accordance with Chapter 119. of the Revised Code that establish 20505
standards and procedures to be followed by a physician assistant 20506
who holds a certificate to prescribe issued under this chapter 20507
regarding the review of patient information available through the 20508
drug database under division (A)(5) of section 4729.80 of the 20509
Revised Code. The rules shall be adopted in accordance with 20510

Chapter 119. of the Revised Code. 20511

~~(C)~~(E) This section and the rules adopted under it do not 20512
apply if the state board of pharmacy no longer maintains the drug 20513
database. 20514

Sec. 4731.055. (A) As used in this section: 20515

(1) "Drug database" means the database established and 20516
maintained by the state board of pharmacy pursuant to section 20517
4729.75 of the Revised Code. 20518

(2) "Physician" means an individual authorized under this 20519
chapter to practice medicine and surgery, osteopathic medicine and 20520
surgery, or podiatric medicine and surgery. 20521

(B) The Except as provided in divisions (C) and (E) of this 20522
section, a physician shall comply with all of the following as 20523
conditions of prescribing a drug that is either an opioid 20524
analgesic or a benzodiazepine, or personally furnishing a complete 20525
or partial supply of such a drug, as part of a patient's course of 20526
treatment for a particular condition: 20527

(1) Before initially prescribing or furnishing the drug, the 20528
physician or the physician's delegate shall request from the drug 20529
database a report of information related to the patient that 20530
covers at least the twelve months immediately preceding the date 20531
of the request. If the physician practices primarily in a county 20532
of this state that adjoins another state, the physician or 20533
delegate also shall request a report of any information available 20534
in the drug database that pertains to prescriptions issued or 20535
drugs furnished to the patient in the state adjoining that county. 20536

(2) If the patient's course of treatment for the condition 20537
continues for more than ninety days after the initial report is 20538
requested, the physician or delegate shall make periodic requests 20539
for reports of information from the drug database until the course 20540

of treatment has ended. The requests shall be made at intervals 20541
not exceeding ninety days, determined according to the date the 20542
initial request was made. The request shall be made in the same 20543
manner provided in division (B)(1) of this section for requesting 20544
the initial report of information from the drug database. 20545

(3) On receipt of a report under division (B)(1) or (2) of 20546
this section, the physician shall assess the information in the 20547
report. The physician shall document in the patient's record that 20548
the report was received and the information was assessed. 20549

(C) Division (B) of this section does not apply in any of the 20550
following circumstances: 20551

(1) A drug database report regarding the patient is not 20552
available, in which case the physician shall document in the 20553
patient's record the reason that the report is not available. 20554

(2) The drug is prescribed or personally furnished in an 20555
amount indicated for a period not to exceed seven days. 20556

(3) The drug is prescribed or personally furnished for the 20557
treatment of cancer or another condition associated with cancer. 20558

(4) The drug is prescribed or personally furnished to a 20559
hospice patient in a hospice care program, as those terms are 20560
defined in section 3712.01 of the Revised Code, or any other 20561
patient diagnosed as terminally ill. 20562

(5) The drug is prescribed or personally furnished for 20563
administration in a hospital, nursing home, or residential care 20564
facility. 20565

(6) The drug is prescribed or personally furnished to treat 20566
acute pain resulting from a surgical or other invasive procedure 20567
or a delivery. 20568

(D) With respect to prescribing or personally furnishing any 20569
drug that is not an opioid analgesic or a benzodiazepine but is 20570

included in the drug database pursuant to rules adopted under 20571
section 4729.84 of the Revised Code, the state medical board shall 20572
adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ 20573
that establish standards and procedures to be followed by a 20574
physician regarding the review of patient information available 20575
through the drug database under division (A)(5) of section 4729.80 20576
of the Revised Code. The rules shall be adopted in accordance with 20577
Chapter 119. of the Revised Code. 20578

~~(C)~~(E) This section and the rules adopted under it do not 20579
apply if the state board of pharmacy no longer maintains the drug 20580
database. 20581

Sec. 4731.15. (A)(1) The state medical board also shall 20582
regulate the following limited branches of medicine: massage 20583
therapy and cosmetic therapy, and to the extent specified in 20584
section 4731.151 of the Revised Code, naprapathy and 20585
mechanotherapy. The board shall adopt rules governing the limited 20586
branches of medicine under its jurisdiction. The rules shall be 20587
adopted in accordance with Chapter 119. of the Revised Code. 20588

(2) As used in this chapter, ~~"cosmetic:~~ 20589

(a) "Cosmetic therapy" means the permanent removal of hair 20590
from the human body through the use of electric modalities 20591
approved by the board for use in cosmetic therapy, and 20592
additionally may include the systematic friction, stroking, 20593
slapping, and kneading or tapping of the face, neck, scalp, or 20594
shoulders. 20595

(b) "Massage therapy" means the treatment of disorders of the 20596
human body by the manipulation of soft tissue through the 20597
systematic external application of massage techniques including 20598
touch, stroking, friction, vibration, percussion, kneading, 20599
stretching, compression, and joint movements within the normal 20600
physiologic range of motion; and adjunctive thereto, the external 20601

application of water, heat, cold, topical preparations, and 20602
mechanical devices. 20603

(B) A certificate to practice a limited branch of medicine 20604
issued by the state medical board is valid for a two-year period, 20605
except when an initial certificate is issued for a shorter period 20606
or when division (C)(2) of this section is applicable. The 20607
certificate may be renewed in accordance with division (C) of this 20608
section. 20609

(C)(1) Except as provided in division (C)(2) of this section, 20610
all of the following apply with respect to the renewal of 20611
certificates to practice a limited branch of medicine: 20612

(a) Each person seeking to renew a certificate to practice a 20613
limited branch of medicine shall apply for biennial registration 20614
with the state medical board on a renewal application form 20615
prescribed by the board. An applicant for renewal shall pay a 20616
biennial registration fee of one hundred dollars. 20617

(b) At least six months before a certificate expires, the 20618
board shall mail or cause to be mailed a renewal notice to the 20619
certificate holder's last known address. 20620

(c) At least three months before a certificate expires, the 20621
certificate holder shall submit the renewal application and 20622
biennial registration fee to the board. 20623

(2) Beginning with the 2009 registration period, the board 20624
shall implement a staggered renewal system that is substantially 20625
similar to the staggered renewal system the board uses under 20626
division (B) of section 4731.281 of the Revised Code. 20627

(D) All persons who hold a certificate to practice a limited 20628
branch of medicine issued by the state medical board shall provide 20629
the board written notice of any change of address. The notice 20630
shall be submitted to the board not later than thirty days after 20631
the change of address. 20632

(E) A certificate to practice a limited branch of medicine 20633
shall be automatically suspended if the certificate holder fails 20634
to renew the certificate in accordance with division (C) of this 20635
section. Continued practice after the suspension of the 20636
certificate to practice shall be considered as practicing in 20637
violation of sections 4731.34 and 4731.41 of the Revised Code. 20638

If a certificate to practice has been suspended pursuant to 20639
this division for two years or less, it may be reinstated. The 20640
board shall reinstate the certificate upon an applicant's 20641
submission of a renewal application and payment of the biennial 20642
registration fee and the applicable monetary penalty. With regard 20643
to reinstatement of a certificate to practice cosmetic therapy, 20644
the applicant also shall submit with the application a 20645
certification that the number of hours of continuing education 20646
necessary to have a suspended certificate reinstated have been 20647
completed, as specified in rules the board shall adopt in 20648
accordance with Chapter 119. of the Revised Code. The penalty for 20649
reinstatement shall be twenty-five dollars. 20650

If a certificate has been suspended pursuant to this division 20651
for more than two years, it may be restored. Subject to section 20652
4731.222 of the Revised Code, the board may restore the 20653
certificate upon an applicant's submission of a restoration 20654
application, the biennial registration fee, and the applicable 20655
monetary penalty and compliance with sections 4776.01 to 4776.04 20656
of the Revised Code. The board shall not restore to an applicant a 20657
certificate to practice unless the board, in its discretion, 20658
decides that the results of the criminal records check do not make 20659
the applicant ineligible for a certificate issued pursuant to 20660
section 4731.17 of the Revised Code. The penalty for restoration 20661
is fifty dollars. 20662

Sec. 4731.155. ~~(A) Except as provided in division (D) of this~~ 20663

~~section, each person holding a certificate to practice cosmetic
therapy shall complete biennially not less than twenty five hours
of continuing cosmetic therapy education.~~

~~Cosmetic therapists shall earn continuing education credits
at the rate of one half credit hour for each twenty five to thirty
minutes of instruction and one credit hour for each fifty to sixty
minutes of instruction.~~

~~(B) Only continuing education approved by the state medical
board may be used to fulfill the requirements of division (A) of
this section.~~

~~(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.~~

~~(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.~~

~~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.~~

~~(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 20695
119. of the Revised Code. 20696

Sec. 4731.22. (A) The state medical board, by an affirmative 20697
vote of not fewer than six of its members, may limit, revoke, or 20698
suspend an individual's certificate to practice, refuse to grant a 20699
certificate to an individual, refuse to register an individual, 20700
refuse to reinstate a certificate, or reprimand or place on 20701
probation the holder of a certificate if the individual or 20702
certificate holder is found by the board to have committed fraud 20703
during the administration of the examination for a certificate to 20704
practice or to have committed fraud, misrepresentation, or 20705
deception in applying for or securing any certificate to practice 20706
or certificate of registration issued by the board. 20707

(B) The board, by an affirmative vote of not fewer than six 20708
members, shall, to the extent permitted by law, limit, revoke, or 20709
suspend an individual's certificate to practice, refuse to 20710
register an individual, refuse to reinstate a certificate, or 20711
reprimand or place on probation the holder of a certificate for 20712
one or more of the following reasons: 20713

(1) Permitting one's name or one's certificate to practice or 20714
certificate of registration to be used by a person, group, or 20715
corporation when the individual concerned is not actually 20716
directing the treatment given; 20717

(2) Failure to maintain minimal standards applicable to the 20718
selection or administration of drugs, or failure to employ 20719
acceptable scientific methods in the selection of drugs or other 20720
modalities for treatment of disease; 20721

(3) Selling, giving away, personally furnishing, prescribing, 20722
or administering drugs for other than legal and legitimate 20723
therapeutic purposes or a plea of guilty to, a judicial finding of 20724
guilt of, or a judicial finding of eligibility for intervention in 20725

lieu of conviction of, a violation of any federal or state law 20726
regulating the possession, distribution, or use of any drug; 20727

(4) Willfully betraying a professional confidence. 20728

For purposes of this division, "willfully betraying a 20729
professional confidence" does not include providing any 20730
information, documents, or reports to a child fatality review 20731
board under sections 307.621 to 307.629 of the Revised Code and 20732
does not include the making of a report of an employee's use of a 20733
drug of abuse, or a report of a condition of an employee other 20734
than one involving the use of a drug of abuse, to the employer of 20735
the employee as described in division (B) of section 2305.33 of 20736
the Revised Code. Nothing in this division affects the immunity 20737
from civil liability conferred by that section upon a physician 20738
who makes either type of report in accordance with division (B) of 20739
that section. As used in this division, "employee," "employer," 20740
and "physician" have the same meanings as in section 2305.33 of 20741
the Revised Code. 20742

(5) Making a false, fraudulent, deceptive, or misleading 20743
statement in the solicitation of or advertising for patients; in 20744
relation to the practice of medicine and surgery, osteopathic 20745
medicine and surgery, podiatric medicine and surgery, or a limited 20746
branch of medicine; or in securing or attempting to secure any 20747
certificate to practice or certificate of registration issued by 20748
the board. 20749

As used in this division, "false, fraudulent, deceptive, or 20750
misleading statement" means a statement that includes a 20751
misrepresentation of fact, is likely to mislead or deceive because 20752
of a failure to disclose material facts, is intended or is likely 20753
to create false or unjustified expectations of favorable results, 20754
or includes representations or implications that in reasonable 20755
probability will cause an ordinarily prudent person to 20756
misunderstand or be deceived. 20757

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 20758
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- (7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 20762
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- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 20766
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- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 20769
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- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 20772
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 20775
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- (12) 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; 20778
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 20781
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- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 20784
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- (15) Violation of the conditions of limitation placed by the 20787

board upon a certificate to practice; 20788

(16) Failure to pay license renewal fees specified in this 20789
chapter; 20790

(17) Except as authorized in section 4731.31 of the Revised 20791
Code, engaging in the division of fees for referral of patients, 20792
or the receiving of a thing of value in return for a specific 20793
referral of a patient to utilize a particular service or business; 20794

(18) Subject to section 4731.226 of the Revised Code, 20795
violation of any provision of a code of ethics of the American 20796
medical association, the American osteopathic association, the 20797
American podiatric medical association, or any other national 20798
professional organizations that the board specifies by rule. The 20799
state medical board shall obtain and keep on file current copies 20800
of the codes of ethics of the various national professional 20801
organizations. The individual whose certificate is being suspended 20802
or revoked shall not be found to have violated any provision of a 20803
code of ethics of an organization not appropriate to the 20804
individual's profession. 20805

For purposes of this division, a "provision of a code of 20806
ethics of a national professional organization" does not include 20807
any provision that would preclude the making of a report by a 20808
physician of an employee's use of a drug of abuse, or of a 20809
condition of an employee other than one involving the use of a 20810
drug of abuse, to the employer of the employee as described in 20811
division (B) of section 2305.33 of the Revised Code. Nothing in 20812
this division affects the immunity from civil liability conferred 20813
by that section upon a physician who makes either type of report 20814
in accordance with division (B) of that section. As used in this 20815
division, "employee," "employer," and "physician" have the same 20816
meanings as in section 2305.33 of the Revised Code. 20817

(19) Inability to practice according to acceptable and 20818

prevailing standards of care by reason of mental illness or 20819
physical illness, including, but not limited to, physical 20820
deterioration that adversely affects cognitive, motor, or 20821
perceptive skills. 20822

In enforcing this division, the board, upon a showing of a 20823
possible violation, may compel any individual authorized to 20824
practice by this chapter or who has submitted an application 20825
pursuant to this chapter to submit to a mental examination, 20826
physical examination, including an HIV test, or both a mental and 20827
a physical examination. The expense of the examination is the 20828
responsibility of the individual compelled to be examined. Failure 20829
to submit to a mental or physical examination or consent to an HIV 20830
test ordered by the board constitutes an admission of the 20831
allegations against the individual unless the failure is due to 20832
circumstances beyond the individual's control, and a default and 20833
final order may be entered without the taking of testimony or 20834
presentation of evidence. If the board finds an individual unable 20835
to practice because of the reasons set forth in this division, the 20836
board shall require the individual to submit to care, counseling, 20837
or treatment by physicians approved or designated by the board, as 20838
a condition for initial, continued, reinstated, or renewed 20839
authority to practice. An individual affected under this division 20840
shall be afforded an opportunity to demonstrate to the board the 20841
ability to resume practice in compliance with acceptable and 20842
prevailing standards under the provisions of the individual's 20843
certificate. For the purpose of this division, any individual who 20844
applies for or receives a certificate to practice under this 20845
chapter accepts the privilege of practicing in this state and, by 20846
so doing, shall be deemed to have given consent to submit to a 20847
mental or physical examination when directed to do so in writing 20848
by the board, and to have waived all objections to the 20849
admissibility of testimony or examination reports that constitute 20850
a privileged communication. 20851

(20) Except when civil penalties are imposed under section 20852
4731.225 or 4731.281 of the Revised Code, and subject to section 20853
4731.226 of the Revised Code, violating or attempting to violate, 20854
directly or indirectly, or assisting in or abetting the violation 20855
of, or conspiring to violate, any provisions of this chapter or 20856
any rule promulgated by the board. 20857

This division does not apply to a violation or attempted 20858
violation of, assisting in or abetting the violation of, or a 20859
conspiracy to violate, any provision of this chapter or any rule 20860
adopted by the board that would preclude the making of a report by 20861
a physician of an employee's use of a drug of abuse, or of a 20862
condition of an employee other than one involving the use of a 20863
drug of abuse, to the employer of the employee as described in 20864
division (B) of section 2305.33 of the Revised Code. Nothing in 20865
this division affects the immunity from civil liability conferred 20866
by that section upon a physician who makes either type of report 20867
in accordance with division (B) of that section. As used in this 20868
division, "employee," "employer," and "physician" have the same 20869
meanings as in section 2305.33 of the Revised Code. 20870

(21) The violation of section 3701.79 of the Revised Code or 20871
of any abortion rule adopted by the public health council pursuant 20872
to section 3701.341 of the Revised Code; 20873

(22) Any of the following actions taken by an agency 20874
responsible for authorizing, certifying, or regulating an 20875
individual to practice a health care occupation or provide health 20876
care services in this state or another jurisdiction, for any 20877
reason other than the nonpayment of fees: the limitation, 20878
revocation, or suspension of an individual's license to practice; 20879
acceptance of an individual's license surrender; denial of a 20880
license; refusal to renew or reinstate a license; imposition of 20881
probation; or issuance of an order of censure or other reprimand; 20882

(23) The violation of section 2919.12 of the Revised Code or 20883

the performance or inducement of an abortion upon a pregnant woman 20884
with actual knowledge that the conditions specified in division 20885
(B) of section 2317.56 of the Revised Code have not been satisfied 20886
or with a heedless indifference as to whether those conditions 20887
have been satisfied, unless an affirmative defense as specified in 20888
division (H)(2) of that section would apply in a civil action 20889
authorized by division (H)(1) of that section; 20890

(24) The revocation, suspension, restriction, reduction, or 20891
termination of clinical privileges by the United States department 20892
of defense or department of veterans affairs or the termination or 20893
suspension of a certificate of registration to prescribe drugs by 20894
the drug enforcement administration of the United States 20895
department of justice; 20896

(25) Termination or suspension from participation in the 20897
medicare or medicaid programs by the department of health and 20898
human services or other responsible agency for any act or acts 20899
that also would constitute a violation of division (B)(2), (3), 20900
(6), (8), or (19) of this section; 20901

(26) Impairment of ability to practice according to 20902
acceptable and prevailing standards of care because of habitual or 20903
excessive use or abuse of drugs, alcohol, or other substances that 20904
impair ability to practice. 20905

For the purposes of this division, any individual authorized 20906
to practice by this chapter accepts the privilege of practicing in 20907
this state subject to supervision by the board. By filing an 20908
application for or holding a certificate to practice under this 20909
chapter, an individual shall be deemed to have given consent to 20910
submit to a mental or physical examination when ordered to do so 20911
by the board in writing, and to have waived all objections to the 20912
admissibility of testimony or examination reports that constitute 20913
privileged communications. 20914

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's 20946
ability to practice has been assessed and that the individual has 20947
been found capable of practicing according to acceptable and 20948
prevailing standards of care. The reports shall be made by 20949
individuals or providers approved by the board for making the 20950
assessments and shall describe the basis for their determination. 20951

The board may reinstate a certificate suspended under this 20952
division after that demonstration and after the individual has 20953
entered into a written consent agreement. 20954

When the impaired practitioner resumes practice, the board 20955
shall require continued monitoring of the individual. The 20956
monitoring shall include, but not be limited to, compliance with 20957
the written consent agreement entered into before reinstatement or 20958
with conditions imposed by board order after a hearing, and, upon 20959
termination of the consent agreement, submission to the board for 20960
at least two years of annual written progress reports made under 20961
penalty of perjury stating whether the individual has maintained 20962
sobriety. 20963

(27) A second or subsequent violation of section 4731.66 or 20964
4731.69 of the Revised Code; 20965

(28) Except as provided in division (N) of this section: 20966

(a) Waiving the payment of all or any part of a deductible or 20967
copayment that a patient, pursuant to a health insurance or health 20968
care policy, contract, or plan that covers the individual's 20969
services, otherwise would be required to pay if the waiver is used 20970
as an enticement to a patient or group of patients to receive 20971
health care services from that individual; 20972

(b) Advertising that the individual will waive the payment of 20973
all or any part of a deductible or copayment that a patient, 20974
pursuant to a health insurance or health care policy, contract, or 20975
plan that covers the individual's services, otherwise would be 20976

required to pay.	20977
(29) Failure to use universal blood and body fluid	20978
precautions established by rules adopted under section 4731.051 of	20979
the Revised Code;	20980
(30) Failure to provide notice to, and receive acknowledgment	20981
of the notice from, a patient when required by section 4731.143 of	20982
the Revised Code prior to providing nonemergency professional	20983
services, or failure to maintain that notice in the patient's	20984
file;	20985
(31) Failure of a physician supervising a physician assistant	20986
to maintain supervision in accordance with the requirements of	20987
Chapter 4730. of the Revised Code and the rules adopted under that	20988
chapter;	20989
(32) Failure of a physician or podiatrist to enter into a	20990
standard care arrangement with a clinical nurse specialist,	20991
certified nurse-midwife, or certified nurse practitioner with whom	20992
the physician or podiatrist is in collaboration pursuant to	20993
section 4731.27 of the Revised Code or failure to fulfill the	20994
responsibilities of collaboration after entering into a standard	20995
care arrangement;	20996
(33) Failure to comply with the terms of a consult agreement	20997
entered into with a pharmacist pursuant to section 4729.39 of the	20998
Revised Code;	20999
(34) Failure to cooperate in an investigation conducted by	21000
the board under division (F) of this section, including failure to	21001
comply with a subpoena or order issued by the board or failure to	21002
answer truthfully a question presented by the board in an	21003
investigative interview, an investigative office conference, at a	21004
deposition, or in written interrogatories, except that failure to	21005
cooperate with an investigation shall not constitute grounds for	21006
discipline under this section if a court of competent jurisdiction	21007

has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 21008
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(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision; 21010
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(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; 21013
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(37) Assisting suicide as defined in section 3795.01 of the Revised Code; 21016
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(38) Failure to comply with the requirements of section 2317.561 of the Revised Code; 21018
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(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; 21020
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(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; 21023
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(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; 21026
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(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; 21030
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(43) Failure to comply with the requirements of section 4729.79 or 4731.055 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; 21034
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(44) Failure to comply with the requirements of section 21038
2919.171 of the Revised Code or failure to submit to the 21039
department of health in accordance with a court order a complete 21040
report as described in section 2919.171 of the Revised Code; 21041

(45) Practicing at a facility that is subject to licensure as 21042
a category III terminal distributor of dangerous drugs with a pain 21043
management clinic classification unless the person operating the 21044
facility has obtained and maintains the license with the 21045
classification; 21046

(46) Owning a facility that is subject to licensure as a 21047
category III terminal distributor of dangerous drugs with a pain 21048
management clinic classification unless the facility is licensed 21049
with the classification; 21050

(47) Failure to comply with the requirement regarding 21051
maintaining notes described in division (B) of section 2919.191 of 21052
the Revised Code or failure to satisfy the requirements of section 21053
2919.191 of the Revised Code prior to performing or inducing an 21054
abortion upon a pregnant woman. 21055

(C) Disciplinary actions taken by the board under divisions 21056
(A) and (B) of this section shall be taken pursuant to an 21057
adjudication under Chapter 119. of the Revised Code, except that 21058
in lieu of an adjudication, the board may enter into a consent 21059
agreement with an individual to resolve an allegation of a 21060
violation of this chapter or any rule adopted under it. A consent 21061
agreement, when ratified by an affirmative vote of not fewer than 21062
six members of the board, shall constitute the findings and order 21063
of the board with respect to the matter addressed in the 21064
agreement. If the board refuses to ratify a consent agreement, the 21065
admissions and findings contained in the consent agreement shall 21066
be of no force or effect. 21067

A telephone conference call may be utilized for ratification 21068

of a consent agreement that revokes or suspends an individual's 21069
certificate to practice. The telephone conference call shall be 21070
considered a special meeting under division (F) of section 121.22 21071
of the Revised Code. 21072

If the board takes disciplinary action against an individual 21073
under division (B) of this section for a second or subsequent plea 21074
of guilty to, or judicial finding of guilt of, a violation of 21075
section 2919.123 of the Revised Code, the disciplinary action 21076
shall consist of a suspension of the individual's certificate to 21077
practice for a period of at least one year or, if determined 21078
appropriate by the board, a more serious sanction involving the 21079
individual's certificate to practice. Any consent agreement 21080
entered into under this division with an individual that pertains 21081
to a second or subsequent plea of guilty to, or judicial finding 21082
of guilt of, a violation of that section shall provide for a 21083
suspension of the individual's certificate to practice for a 21084
period of at least one year or, if determined appropriate by the 21085
board, a more serious sanction involving the individual's 21086
certificate to practice. 21087

(D) For purposes of divisions (B)(10), (12), and (14) of this 21088
section, the commission of the act may be established by a finding 21089
by the board, pursuant to an adjudication under Chapter 119. of 21090
the Revised Code, that the individual committed the act. The board 21091
does not have jurisdiction under those divisions if the trial 21092
court renders a final judgment in the individual's favor and that 21093
judgment is based upon an adjudication on the merits. The board 21094
has jurisdiction under those divisions if the trial court issues 21095
an order of dismissal upon technical or procedural grounds. 21096

(E) The sealing of conviction records by any court shall have 21097
no effect upon a prior board order entered under this section or 21098
upon the board's jurisdiction to take action under this section 21099
if, based upon a plea of guilty, a judicial finding of guilt, or a 21100

judicial finding of eligibility for intervention in lieu of 21101
conviction, the board issued a notice of opportunity for a hearing 21102
prior to the court's order to seal the records. The board shall 21103
not be required to seal, destroy, redact, or otherwise modify its 21104
records to reflect the court's sealing of conviction records. 21105

(F)(1) The board shall investigate evidence that appears to 21106
show that a person has violated any provision of this chapter or 21107
any rule adopted under it. Any person may report to the board in a 21108
signed writing any information that the person may have that 21109
appears to show a violation of any provision of this chapter or 21110
any rule adopted under it. In the absence of bad faith, any person 21111
who reports information of that nature or who testifies before the 21112
board in any adjudication conducted under Chapter 119. of the 21113
Revised Code shall not be liable in damages in a civil action as a 21114
result of the report or testimony. Each complaint or allegation of 21115
a violation received by the board shall be assigned a case number 21116
and shall be recorded by the board. 21117

(2) Investigations of alleged violations of this chapter or 21118
any rule adopted under it shall be supervised by the supervising 21119
member elected by the board in accordance with section 4731.02 of 21120
the Revised Code and by the secretary as provided in section 21121
4731.39 of the Revised Code. The president may designate another 21122
member of the board to supervise the investigation in place of the 21123
supervising member. No member of the board who supervises the 21124
investigation of a case shall participate in further adjudication 21125
of the case. 21126

(3) In investigating a possible violation of this chapter or 21127
any rule adopted under this chapter, or in conducting an 21128
inspection under division (E) of section 4731.054 of the Revised 21129
Code, the board may question witnesses, conduct interviews, 21130
administer oaths, order the taking of depositions, inspect and 21131
copy any books, accounts, papers, records, or documents, issue 21132

subpoenas, and compel the attendance of witnesses and production 21133
of books, accounts, papers, records, documents, and testimony, 21134
except that a subpoena for patient record information shall not be 21135
issued without consultation with the attorney general's office and 21136
approval of the secretary and supervising member of the board. 21137

(a) Before issuance of a subpoena for patient record 21138
information, the secretary and supervising member shall determine 21139
whether there is probable cause to believe that the complaint 21140
filed alleges a violation of this chapter or any rule adopted 21141
under it and that the records sought are relevant to the alleged 21142
violation and material to the investigation. The subpoena may 21143
apply only to records that cover a reasonable period of time 21144
surrounding the alleged violation. 21145

(b) On failure to comply with any subpoena issued by the 21146
board and after reasonable notice to the person being subpoenaed, 21147
the board may move for an order compelling the production of 21148
persons or records pursuant to the Rules of Civil Procedure. 21149

(c) A subpoena issued by the board may be served by a 21150
sheriff, the sheriff's deputy, or a board employee designated by 21151
the board. Service of a subpoena issued by the board may be made 21152
by delivering a copy of the subpoena to the person named therein, 21153
reading it to the person, or leaving it at the person's usual 21154
place of residence, usual place of business, or address on file 21155
with the board. When serving a subpoena to an applicant for or the 21156
holder of a certificate issued under this chapter, service of the 21157
subpoena may be made by certified mail, return receipt requested, 21158
and the subpoena shall be deemed served on the date delivery is 21159
made or the date the person refuses to accept delivery. If the 21160
person being served refuses to accept the subpoena or is not 21161
located, service may be made to an attorney who notifies the board 21162
that the attorney is representing the person. 21163

(d) A sheriff's deputy who serves a subpoena shall receive 21164

the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(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 21197
accordance with the Rules of Evidence, but the court shall require 21198
that appropriate measures are taken to ensure that confidentiality 21199
is maintained with respect to any part of the information that 21200
contains names or other identifying information about patients or 21201
complainants whose confidentiality was protected by the state 21202
medical board when the information was in the board's possession. 21203
Measures to ensure confidentiality that may be taken by the court 21204
include sealing its records or deleting specific information from 21205
its records. 21206

(6) On a quarterly basis, the board shall prepare a report 21207
that documents the disposition of all cases during the preceding 21208
three months. The report shall contain the following information 21209
for each case with which the board has completed its activities: 21210

(a) The case number assigned to the complaint or alleged 21211
violation; 21212

(b) The type of certificate to practice, if any, held by the 21213
individual against whom the complaint is directed; 21214

(c) A description of the allegations contained in the 21215
complaint; 21216

(d) The disposition of the case. 21217

The report shall state how many cases are still pending and 21218
shall be prepared in a manner that protects the identity of each 21219
person involved in each case. The report shall be a public record 21220
under section 149.43 of the Revised Code. 21221

(G) If the secretary and supervising member determine both of 21222
the following, they may recommend that the board suspend an 21223
individual's certificate to practice without a prior hearing: 21224

(1) That there is clear and convincing evidence that an 21225
individual has violated division (B) of this section; 21226

(2) That the individual's continued practice presents a 21227
danger of immediate and serious harm to the public. 21228

Written allegations shall be prepared for consideration by 21229
the board. The board, upon review of those allegations and by an 21230
affirmative vote of not fewer than six of its members, excluding 21231
the secretary and supervising member, may suspend a certificate 21232
without a prior hearing. A telephone conference call may be 21233
utilized for reviewing the allegations and taking the vote on the 21234
summary suspension. 21235

The board shall issue a written order of suspension by 21236
certified mail or in person in accordance with section 119.07 of 21237
the Revised Code. The order shall not be subject to suspension by 21238
the court during pendency of any appeal filed under section 119.12 21239
of the Revised Code. If the individual subject to the summary 21240
suspension requests an adjudicatory hearing by the board, the date 21241
set for the hearing shall be within fifteen days, but not earlier 21242
than seven days, after the individual requests the hearing, unless 21243
otherwise agreed to by both the board and the individual. 21244

Any summary suspension imposed under this division shall 21245
remain in effect, unless reversed on appeal, until a final 21246
adjudicative order issued by the board pursuant to this section 21247
and Chapter 119. of the Revised Code becomes effective. The board 21248
shall issue its final adjudicative order within seventy-five days 21249
after completion of its hearing. A failure to issue the order 21250
within seventy-five days shall result in dissolution of the 21251
summary suspension order but shall not invalidate any subsequent, 21252
final adjudicative order. 21253

(H) If the board takes action under division (B)(9), (11), or 21254
(13) of this section and the judicial finding of guilt, guilty 21255
plea, or judicial finding of eligibility for intervention in lieu 21256
of conviction is overturned on appeal, upon exhaustion of the 21257
criminal appeal, a petition for reconsideration of the order may 21258

be filed with the board along with appropriate court documents. 21259
Upon receipt of a petition of that nature and supporting court 21260
documents, the board shall reinstate the individual's certificate 21261
to practice. The board may then hold an adjudication under Chapter 21262
119. of the Revised Code to determine whether the individual 21263
committed the act in question. Notice of an opportunity for a 21264
hearing shall be given in accordance with Chapter 119. of the 21265
Revised Code. If the board finds, pursuant to an adjudication held 21266
under this division, that the individual committed the act or if 21267
no hearing is requested, the board may order any of the sanctions 21268
identified under division (B) of this section. 21269

(I) The certificate to practice issued to an individual under 21270
this chapter and the individual's practice in this state are 21271
automatically suspended as of the date of the individual's second 21272
or subsequent plea of guilty to, or judicial finding of guilt of, 21273
a violation of section 2919.123 of the Revised Code, or the date 21274
the individual pleads guilty to, is found by a judge or jury to be 21275
guilty of, or is subject to a judicial finding of eligibility for 21276
intervention in lieu of conviction in this state or treatment or 21277
intervention in lieu of conviction in another jurisdiction for any 21278
of the following criminal offenses in this state or a 21279
substantially equivalent criminal offense in another jurisdiction: 21280
aggravated murder, murder, voluntary manslaughter, felonious 21281
assault, kidnapping, rape, sexual battery, gross sexual 21282
imposition, aggravated arson, aggravated robbery, or aggravated 21283
burglary. Continued practice after suspension shall be considered 21284
practicing without a certificate. 21285

The board shall notify the individual subject to the 21286
suspension by certified mail or in person in accordance with 21287
section 119.07 of the Revised Code. If an individual whose 21288
certificate is automatically suspended under this division fails 21289
to make a timely request for an adjudication under Chapter 119. of 21290

the Revised Code, the board shall do whichever of the following is applicable: 21291
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(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the board shall enter an order suspending the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's certificate to practice. 21293
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(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's certificate to practice. 21300
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(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section. 21303
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(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board. 21312
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(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, 21320
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refuses to register an applicant, or refuses to reinstate an 21322
individual's certificate to practice, the board may specify that 21323
its action is permanent. An individual subject to a permanent 21324
action taken by the board is forever thereafter ineligible to hold 21325
a certificate to practice and the board shall not accept an 21326
application for reinstatement of the certificate or for issuance 21327
of a new certificate. 21328

(M) Notwithstanding any other provision of the Revised Code, 21329
all of the following apply: 21330

(1) The surrender of a certificate issued under this chapter 21331
shall not be effective unless or until accepted by the board. A 21332
telephone conference call may be utilized for acceptance of the 21333
surrender of an individual's certificate to practice. The 21334
telephone conference call shall be considered a special meeting 21335
under division (F) of section 121.22 of the Revised Code. 21336
Reinstatement of a certificate surrendered to the board requires 21337
an affirmative vote of not fewer than six members of the board. 21338

(2) An application for a certificate made under the 21339
provisions of this chapter may not be withdrawn without approval 21340
of the board. 21341

(3) Failure by an individual to renew a certificate of 21342
registration in accordance with this chapter shall not remove or 21343
limit the board's jurisdiction to take any disciplinary action 21344
under this section against the individual. 21345

(4) At the request of the board, a certificate holder shall 21346
immediately surrender to the board a certificate that the board 21347
has suspended, revoked, or permanently revoked. 21348

(N) Sanctions shall not be imposed under division (B)(28) of 21349
this section against any person who waives deductibles and 21350
copayments as follows: 21351

(1) In compliance with the health benefit plan that expressly 21352

allows such a practice. Waiver of the deductibles or copayments 21353
shall be made only with the full knowledge and consent of the plan 21354
purchaser, payer, and third-party administrator. Documentation of 21355
the consent shall be made available to the board upon request. 21356

(2) For professional services rendered to any other person 21357
authorized to practice pursuant to this chapter, to the extent 21358
allowed by this chapter and rules adopted by the board. 21359

(0) Under the board's investigative duties described in this 21360
section and subject to division (F) of this section, the board 21361
shall develop and implement a quality intervention program 21362
designed to improve through remedial education the clinical and 21363
communication skills of individuals authorized under this chapter 21364
to practice medicine and surgery, osteopathic medicine and 21365
surgery, and podiatric medicine and surgery. In developing and 21366
implementing the quality intervention program, the board may do 21367
all of the following: 21368

(1) Offer in appropriate cases as determined by the board an 21369
educational and assessment program pursuant to an investigation 21370
the board conducts under this section; 21371

(2) Select providers of educational and assessment services, 21372
including a quality intervention program panel of case reviewers; 21373

(3) Make referrals to educational and assessment service 21374
providers and approve individual educational programs recommended 21375
by those providers. The board shall monitor the progress of each 21376
individual undertaking a recommended individual educational 21377
program. 21378

(4) Determine what constitutes successful completion of an 21379
individual educational program and require further monitoring of 21380
the individual who completed the program or other action that the 21381
board determines to be appropriate; 21382

(5) Adopt rules in accordance with Chapter 119. of the 21383

Revised Code to further implement the quality intervention program. 21384
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 21386
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Sec. 4731.24. Except as provided in sections 4731.281 and 4731.40 of the Revised Code, all receipts of the state medical board, from any source, shall be deposited in the state treasury. Until July 1, 1998, the funds shall be deposited to the credit of the occupational licensing and regulatory fund. On and after July 1, 1998, the funds shall be deposited to the credit of the state medical board operating fund, which is hereby created on July 1, 1998. All Except as provided in section 4731.24 of the Revised Code, all funds deposited into the state treasury under this section shall be used solely for the administration and enforcement of this chapter and Chapters 4730., 4760., 4762., 4774., and 4778. of the Revised Code by the board. 21389
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Sec. 4731.241. (A) The state medical board may solicit and accept grants and services from public and private sources for the purpose of developing and maintaining programs that address patient safety and education, supply and demand of health care professionals, and information sharing with the public and the individuals regulated by the board. The board shall not solicit or accept a grant or service that would interfere with the board's independence or objectivity, as determined by the board. 21401
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Money received by the board under this ~~section~~ division shall be deposited into the state treasury to the credit of the medical board education and patient safety fund, which is hereby created. The money shall be used solely in accordance with this section. 21409
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(B) The board may accept from the state, a political 21413

subdivision of the state, or the federal government money that 21414
results from a fine, civil penalty, or seizure or forfeiture of 21415
property. Money received by the board under this division shall be 21416
deposited in accordance with section 4731.24 of the Revised Code. 21417
The money shall be used solely to further the investigation, 21418
enforcement, and compliance activities of the board. 21419

Sec. 4731.281. (A) On or before the deadline established 21420
under division (B) of this section for applying for renewal of a 21421
certificate of registration, each person holding a certificate 21422
under this chapter to practice medicine and surgery, osteopathic 21423
medicine and surgery, or podiatric medicine and surgery shall 21424
certify to the state medical board that in the preceding two years 21425
the person has completed one hundred hours of continuing medical 21426
education. The certification shall be made upon the application 21427
for biennial registration submitted pursuant to division (B) of 21428
this section. The board shall adopt rules providing for pro rata 21429
reductions by month of the number of hours of continuing education 21430
required for persons who are in their first registration period, 21431
who have been disabled due to illness or accident, or who have 21432
been absent from the country. 21433

In determining whether a course, program, or activity 21434
qualifies for credit as continuing medical education, the board 21435
shall approve all continuing medical education taken by persons 21436
holding a certificate to practice medicine and surgery that is 21437
certified by the Ohio state medical association, all continuing 21438
medical education taken by persons holding a certificate to 21439
practice osteopathic medicine and surgery that is certified by the 21440
Ohio osteopathic association, and all continuing medical education 21441
taken by persons holding a certificate to practice podiatric 21442
medicine and surgery that is certified by the Ohio podiatric 21443
medical association. Each person holding a certificate to practice 21444
under this chapter shall be given sufficient choice of continuing 21445

education programs to ensure that the person has had a reasonable 21446
opportunity to participate in continuing education programs that 21447
are relevant to the person's medical practice in terms of subject 21448
matter and level. 21449

The board may require a random sample of persons holding a 21450
certificate to practice under this chapter to submit materials 21451
documenting completion of the continuing medical education 21452
requirement during the preceding registration period, but this 21453
provision shall not limit the board's authority to investigate 21454
pursuant to section 4731.22 of the Revised Code. 21455

(B)(1) Every person holding a certificate under this chapter 21456
to practice medicine and surgery, osteopathic medicine and 21457
surgery, or podiatric medicine and surgery wishing to renew that 21458
certificate shall apply to the board for a certificate of 21459
registration upon an application furnished by the board, and pay 21460
to the board at the time of application a fee of three hundred 21461
five dollars, according to the following schedule: 21462

(a) Persons whose last name begins with the letters "A" 21463
through "B," on or before April 1, 2001, and the first day of 21464
April of every odd-numbered year thereafter; 21465

(b) Persons whose last name begins with the letters "C" 21466
through "D," on or before January 1, 2001, and the first day of 21467
January of every odd-numbered year thereafter; 21468

(c) Persons whose last name begins with the letters "E" 21469
through "G," on or before October 1, 2000, and the first day of 21470
October of every even-numbered year thereafter; 21471

(d) Persons whose last name begins with the letters "H" 21472
through "K," on or before July 1, 2000, and the first day of July 21473
of every even-numbered year thereafter; 21474

(e) Persons whose last name begins with the letters "L" 21475
through "M," on or before April 1, 2000, and the first day of 21476

April of every even-numbered year thereafter;	21477
(f) Persons whose last name begins with the letters "N"	21478
through "R," on or before January 1, 2000, and the first day of	21479
January of every even-numbered year thereafter;	21480
(g) Persons whose last name begins with the letter "S," on or	21481
before October 1, 1999, and the first day of October of every	21482
odd-numbered year thereafter;	21483
(h) Persons whose last name begins with the letters "T"	21484
through "Z," on or before July 1, 1999, and the first day of July	21485
of every odd-numbered year thereafter.	21486
The board shall deposit the fee in accordance with section	21487
4731.24 of the Revised Code, except that the board shall deposit	21488
twenty dollars of the fee into the state treasury to the credit of	21489
the physician loan repayment fund created by section 3702.78 of	21490
the Revised Code.	21491
(2) The board shall mail or cause to be mailed to every	21492
person registered to practice medicine and surgery, osteopathic	21493
medicine and surgery, or podiatric medicine and surgery, a notice	21494
of registration renewal addressed to the person's last known	21495
address or may cause the notice to be sent to the person through	21496
the secretary of any recognized medical, osteopathic, or podiatric	21497
society, according to the following schedule:	21498
(a) To persons whose last name begins with the letters "A"	21499
through "B," on or before January 1, 2001, and the first day of	21500
January of every odd-numbered year thereafter;	21501
(b) To persons whose last name begins with the letters "C"	21502
through "D," on or before October 1, 2000, and the first day of	21503
October of every even-numbered year thereafter;	21504
(c) To persons whose last name begins with the letters "E"	21505
through "G," on or before July 1, 2000, and the first day of July	21506

of every even-numbered year thereafter; 21507

(d) To persons whose last name begins with the letters "H" 21508
through "K," on or before April 1, 2000, and the first day of 21509
April of every even-numbered year thereafter; 21510

(e) To persons whose last name begins with the letters "L" 21511
through "M," on or before January 1, 2000, and the first day of 21512
January of every even-numbered year thereafter; 21513

(f) To persons whose last name begins with the letters "N" 21514
through "R," on or before October 1, 1999, and the first day of 21515
October of every odd-numbered year thereafter; 21516

(g) To persons whose last name begins with the letter "S," on 21517
or before July 1, 1999, and the first day of July of every 21518
odd-numbered year thereafter; 21519

(h) To persons whose last name begins with the letters "T" 21520
through "Z," on or before April 1, 1999, and the first day of 21521
April of every odd-numbered year thereafter. 21522

(3) Failure of any person to receive a notice of renewal from 21523
the board shall not excuse the person from the requirements 21524
contained in this section. 21525

(4) The board's notice shall inform the applicant of the 21526
renewal procedure. The board shall provide the application for 21527
registration renewal in a form determined by the board. ~~The~~ 21528

(5) The applicant shall provide in the application the 21529
applicant's full name, principal practice address and residence 21530
address, the number of the applicant's certificate to practice, 21531
and any other information required by the board. ~~The~~ 21532

(6)(a) Except as provided in division (B)(6)(b) of this 21533
section, in the case of an applicant who prescribes or personally 21534
furnishes opioid analgesics or benzodiazepines, the applicant 21535
shall certify to the board whether the applicant has been granted 21536

access to the drug database established and maintained by the 21537
state board of pharmacy pursuant to section 4729.75 of the Revised 21538
Code. 21539

(b) The requirement in division (B)(6)(a) of this section 21540
does not apply if either of the following is the case: 21541

(i) The state board of pharmacy notifies the state medical 21542
board pursuant to section 4729.861 of the Revised Code that the 21543
applicant has been restricted from obtaining further information 21544
from the drug database. 21545

(ii) The state board of pharmacy no longer maintains the drug 21546
database. 21547

(c) If an applicant certifies to the state medical board that 21548
the applicant has been granted access to the drug database and the 21549
board finds through an audit or other means that the applicant has 21550
not been granted access, the board may take action under section 21551
4731.22 of the Revised Code. 21552

(7) The applicant shall include with the application a list 21553
of the names and addresses of any clinical nurse specialists, 21554
certified nurse-midwives, or certified nurse practitioners with 21555
whom the applicant is currently collaborating, as defined in 21556
section 4723.01 of the Revised Code. ~~The applicant shall execute~~ 21557
~~and deliver the application to the board in a manner prescribed by~~ 21558
~~the board.~~ Every person registered under this section shall give 21559
written notice to the state medical board of any change of 21560
principal practice address or residence address or in the list 21561
within thirty days of the change. 21562

(8) The applicant shall report any criminal offense to which 21563
the applicant has pleaded guilty, of which the applicant has been 21564
found guilty, or for which the applicant has been found eligible 21565
for intervention in lieu of conviction, since last filing an 21566
application for a certificate of registration. 21567

(9) The applicant shall execute and deliver the application 21568
to the board in a manner prescribed by the board. 21569

(C) The board shall issue to any person holding a certificate 21570
under this chapter to practice medicine and surgery, osteopathic 21571
medicine and surgery, or podiatric medicine and surgery, upon 21572
application and qualification therefor in accordance with this 21573
section, a certificate of registration under the seal of the 21574
board. A certificate of registration shall be valid for a two-year 21575
period. 21576

(D) Failure of any certificate holder to register and comply 21577
with this section shall operate automatically to suspend the 21578
holder's certificate to practice. Continued practice after the 21579
suspension of the certificate to practice shall be considered as 21580
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 21581
the Revised Code. If the certificate has been suspended pursuant 21582
to this division for two years or less, it may be reinstated. The 21583
board shall reinstate a certificate to practice suspended for 21584
failure to register upon an applicant's submission of a renewal 21585
application, the biennial registration fee, and the applicable 21586
monetary penalty. The penalty for reinstatement shall be fifty 21587
dollars. If the certificate has been suspended pursuant to this 21588
division for more than two years, it may be restored. Subject to 21589
section 4731.222 of the Revised Code, the board may restore a 21590
certificate to practice suspended for failure to register upon an 21591
applicant's submission of a restoration application, the biennial 21592
registration fee, and the applicable monetary penalty and 21593
compliance with sections 4776.01 to 4776.04 of the Revised Code. 21594
The board shall not restore to an applicant a certificate to 21595
practice unless the board, in its discretion, decides that the 21596
results of the criminal records check do not make the applicant 21597
ineligible for a certificate issued pursuant to section 4731.14, 21598
4731.56, or 4731.57 of the Revised Code. The penalty for 21599

restoration shall be one hundred dollars. The board shall deposit 21600
the penalties in accordance with section 4731.24 of the Revised 21601
Code. 21602

(E) If an individual certifies completion of the number of 21603
hours and type of continuing medical education required to receive 21604
a certificate of registration or reinstatement of a certificate to 21605
practice, and the board finds through the random samples it 21606
conducts under this section or through any other means that the 21607
individual did not complete the requisite continuing medical 21608
education, the board may impose a civil penalty of not more than 21609
five thousand dollars. The board's finding shall be made pursuant 21610
to an adjudication under Chapter 119. of the Revised Code and by 21611
an affirmative vote of not fewer than six members. 21612

A civil penalty imposed under this division may be in 21613
addition to or in lieu of any other action the board may take 21614
under section 4731.22 of the Revised Code. The board shall deposit 21615
civil penalties in accordance with section 4731.24 of the Revised 21616
Code. 21617

(F) The state medical board may obtain information not 21618
protected by statutory or common law privilege from courts and 21619
other sources concerning malpractice claims against any person 21620
holding a certificate to practice under this chapter or practicing 21621
as provided in section 4731.36 of the Revised Code. 21622

(G) Each mailing sent by the board under division (B)(2) of 21623
this section to a person registered to practice medicine and 21624
surgery or osteopathic medicine and surgery shall inform the 21625
applicant of the reporting requirement established by division (H) 21626
of section 3701.79 of the Revised Code. At the discretion of the 21627
board, the information may be included on the application for 21628
registration or on an accompanying page. 21629

Sec. 4731.77. When a physician orders a test for the presence 21630

of Lyme disease in a patient, the physician or physician's 21631
delegate shall provide to the patient or patient's representative 21632
a written notice with the following information: 21633

"Your health care provider has ordered a test for the 21634
presence of Lyme disease. Current testing for Lyme disease can be 21635
problematic and may lead to false results. If you are tested for 21636
Lyme disease and the results are positive, this does not 21637
necessarily mean that you have contracted Lyme disease. In the 21638
alternative, if the results are negative, this does not 21639
necessarily mean that you have not contracted Lyme disease. If you 21640
continue to experience symptoms or have other health concerns, you 21641
should contact your health care provider and inquire about the 21642
appropriateness of additional testing or treatment." 21643

The physician or physician's delegate shall obtain a 21644
signature from the patient or patient's representative indicating 21645
receipt of the notice. The document containing the signature shall 21646
be kept in the patient's record. 21647

Sec. 4737.045. (A) To register as a scrap metal dealer or a 21648
bulk merchandise container dealer with the director of public 21649
safety as required by division (B) of section 4737.04 of the 21650
Revised Code, a person shall do all of the following: 21651

(1) Provide the name and street address of the dealer's place 21652
of business; 21653

(2) Provide the name of the primary owner of the business, 21654
and of the manager of the business, if the manager is not the 21655
primary owner; 21656

(3) Provide the electronic mail address of the business; 21657

(4) Provide confirmation that the dealer has the capabilities 21658
to electronically connect with the department of public safety for 21659
the purpose of sending and receiving information; 21660

(5) Provide any other information required by the director in 21661
rules the director adopts pursuant to sections 4737.01 to 4737.045 21662
of the Revised Code; 21663

(6) Pay an initial registration fee of two hundred dollars. 21664

(B) A person engaging in the business of a scrap metal dealer 21665
or a bulk merchandise container dealer in this state on or before 21666
~~the effective date of this section September 28, 2012,~~ shall 21667
register with the director not later than January 1, 2013. With 21668
respect to a person who commences engaging in the business of a 21669
scrap metal dealer or a bulk merchandise container dealer after 21670
~~the effective date of this section September 28, 2012,~~ the person 21671
shall register with the director pursuant to this section prior to 21672
commencing business as a scrap metal dealer or a bulk merchandise 21673
container dealer. 21674

(C) A registration issued to a scrap metal dealer or a bulk 21675
merchandise container dealer pursuant to this section is valid for 21676
a period of one year. A dealer shall renew the registration in 21677
accordance with the rules adopted by the director and pay a 21678
renewal fee of one hundred fifty dollars to cover the costs of 21679
operating and maintaining the registry created pursuant to 21680
division (E) of this section. 21681

(D) A scrap metal dealer or a bulk merchandise container 21682
dealer registered under this section shall prominently display a 21683
copy of the annual registration certificate received from the 21684
director pursuant to division (E)(2) of this section. 21685

(E) The director shall do all of the following: 21686

(1) Develop and implement, by January 1, 2014, and maintain 21687
as a registry a secure database for use by law enforcement 21688
agencies that is capable of all of the following: 21689

(a) Receiving and securely storing all of the information 21690
required by division (A) of this section and the daily transaction 21691

data that scrap metal dealers and bulk merchandise dealers are 21692
required to send pursuant to division (E)(1) of section 4737.04 of 21693
the Revised Code; 21694

(b) Providing secure search capabilities to law enforcement 21695
agencies for enforcement purposes; 21696

(c) Creating a link and retransmission capability for receipt 21697
of routine scrap theft alerts published by the institute of scrap 21698
recycling industries for transmission to dealers and law 21699
enforcement agencies in the state; 21700

(d) Making the electronic lists prepared pursuant to division 21701
(F)(2) of section 4737.04 of the Revised Code available through an 21702
electronic searchable format for individual law enforcement 21703
agencies and for dealers in the state; 21704

(e) Providing, without charge, interlink programming enabling 21705
the transfer of information to dealers. 21706

(2) Issue, reissue, or deny registration to dealers; 21707

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 21708
the Revised Code, rules establishing procedures to renew a 21709
registration issued under this section, rules for the format and 21710
maintenance for the records required under division (A) of section 21711
4737.012 of the Revised Code or division (C) of section 4737.04 of 21712
the Revised Code, and rules regarding the delivery of the report 21713
required by division (E)(1) of section 4737.04 of the Revised Code 21714
to the registry, which shall be used exclusively by law 21715
enforcement agencies. 21716

(F) A scrap metal dealer or bulk merchandise container dealer 21717
may search, modify, or update only the dealer's own business data 21718
contained within the registry established in division (E) of this 21719
section. 21720

(G) All fees received by the director pursuant to this 21721

section and division (F) of section 4737.99 of the Revised Code 21722
shall be used to develop and maintain the registry required under 21723
this section. The fees shall be deposited into the ~~security,~~ 21724
~~investigations, and policing~~ infrastructure protection fund which 21725
is hereby created in section 4501.11 of the Revised Code the state 21726
treasury. 21727

Sec. 4741.49. (A) A person holding a license, limited 21728
license, or temporary permit to practice veterinary medicine who 21729
orders a test for the presence of Lyme disease in an animal under 21730
the person's care may report to the department of health any test 21731
result indicating the presence of the disease. 21732

(B) The director of health may adopt rules regarding the 21733
submission of reports described in this section. If rules are 21734
adopted, the rules shall be adopted in accordance with Chapter 21735
119. of the Revised Code. 21736

Sec. 4758.01. As used in this chapter: 21737

(A) "Accredited educational institution" means an educational 21738
institution accredited by an accrediting agency accepted by the 21739
Ohio board of regents. 21740

(B)(1) "Alcohol and other drug clinical counseling 21741
principles, methods, or procedures" means an approach to chemical 21742
dependency counseling that emphasizes the chemical dependency 21743
counselor's role in systematically assisting clients through all 21744
of the following: 21745

(a) Analyzing background and current information; 21746

(b) Exploring possible solutions; 21747

(c) Developing and providing a treatment plan; 21748

(d) In the case of an independent chemical dependency 21749
counselor-clinical supervisor, independent chemical dependency 21750

counselor, or chemical dependency counselor III only, diagnosing 21751
chemical dependency conditions. 21752

(2) "Alcohol and other drug clinical counseling principles, 21753
methods, or procedures" includes counseling, assessing, 21754
consulting, and referral as they relate to chemical dependency 21755
conditions. 21756

(C) "Alcohol and other drug prevention services" means a 21757
planned process of strategies and activities designed to preclude 21758
the onset of the use of alcohol and other drugs, reduce 21759
problematic use of alcohol and other drugs, or both. 21760

(D) "Chemical dependency conditions" means those conditions 21761
relating to the abuse of or dependency on alcohol or other drugs 21762
that are classified in accepted nosologies, including the 21763
diagnostic and statistical manual of mental disorders and the 21764
international classification of diseases, and in editions of those 21765
nosologies published after December 23, 2002. 21766

(E) "Chemical dependency counseling" means rendering or 21767
offering to render to individuals, groups, or the public a 21768
counseling service involving the application of alcohol and other 21769
drug clinical counseling principles, methods, or procedures to 21770
assist individuals who are abusing or dependent on alcohol or 21771
other drugs. 21772

(F) "Gambling disorder" means a persistent and recurring 21773
maladaptive gambling behavior that is classified in accepted 21774
nosologies, including the diagnostic and statistical manual of 21775
mental disorders and the international classification of diseases, 21776
and in editions of those nosologies published after the effective 21777
date of this section. 21778

(G) Unless the context provides otherwise, "scope of 21779
practice" means the services, methods, and techniques in which and 21780
the areas for which a person who holds a license or certificate, 21781

or endorsement under this chapter is trained and qualified. 21782

~~(G)~~(H) "Substance abuse professional" has the same meaning as 21783
in 49 C.F.R. 40.3. 21784

~~(H)~~(I) "U.S. department of transportation drug and alcohol 21785
testing program" means a transportation workplace drug and alcohol 21786
testing program governed by 49 C.F.R. part 40. 21787

Sec. 4758.02. (A) Except as provided in section 4758.03 of 21788
the Revised Code, no person shall do any of the following: 21789

(1) Engage in or represent to the public that the person 21790
engages in chemical dependency counseling for a fee, salary, or 21791
other consideration unless the person holds a valid independent 21792
chemical dependency counselor-clinical supervisor license, 21793
independent chemical dependency counselor license, chemical 21794
dependency counselor III license, chemical dependency counselor II 21795
license, or chemical dependency counselor assistant certificate 21796
issued under this chapter; 21797

(2) Use the title "licensed independent chemical dependency 21798
counselor-clinical supervisor," "LICDC-CS," "licensed independent 21799
chemical dependency counselor," "LICDC," "licensed chemical 21800
dependency counselor III," "LCDC III," "licensed chemical 21801
dependency counselor II," "LCDC II," "chemical dependency 21802
counselor assistant," "CDCA," or any other title or description 21803
incorporating the word "chemical dependency counselor" or any 21804
other initials used to identify persons acting in those capacities 21805
unless currently authorized under this chapter to act in the 21806
capacity indicated by the title or initials; 21807

(3) Represent to the public that the person holds a gambling 21808
disorder endorsement unless the person holds a valid gambling 21809
disorder endorsement issued under this chapter; 21810

(4) Represent to the public that the person is a registered 21811

applicant unless the person holds a valid registered applicant 21812
certificate issued under this chapter; 21813

~~(4)~~(5) Use the title "certified prevention specialist II," 21814
"CPS II," "certified prevention specialist I," "CPS I," "certified 21815
prevention specialist assistant," "CPSA," "registered applicant," 21816
"RA," or any other title, description, or initials used to 21817
identify persons acting in those capacities unless currently 21818
authorized under this chapter to act in the capacity indicated by 21819
the title or initials. 21820

(B) No person shall engage in or represent to the public that 21821
the person engages in chemical dependency counseling as a chemical 21822
dependency counselor I. 21823

Sec. 4758.06. No individual who holds or has held a license 21824
~~or~~ certificate, or endorsement issued under this chapter shall 21825
disclose any information regarding the identity, diagnosis, or 21826
treatment of any of the individual's clients or consumers except 21827
for the purposes and under the circumstances expressly authorized 21828
by 42 U.S.C.A. 290dd-2, regulations promulgated pursuant to that 21829
federal law, other federal law enacted after ~~the effective date of~~ 21830
~~this section~~ December 23, 2002, to replace 42 U.S.C.A. 290dd-2, or 21831
regulations promulgated under the replacement federal law. The 21832
prohibition of this section applies whether or not the information 21833
is recorded. 21834

Sec. 4758.16. The chemical dependency professionals board 21835
shall not discriminate against any licensee, certificate holder, 21836
endorsement holder, or applicant for a license ~~or~~ certificate, or 21837
endorsement under this chapter because of the individual's race, 21838
color, religion, gender, national origin, disability as defined in 21839
section 4112.01 of the Revised Code, or age. The board shall 21840
afford a hearing to any individual who files with the board a 21841

statement alleging discrimination based on any of those reasons. 21842

Sec. 4758.20. (A) The chemical dependency professionals board 21843
shall adopt rules to establish, specify, or provide for all of the 21844
following: 21845

(1) Fees for the purposes authorized by section 4758.21 of 21846
the Revised Code; 21847

(2) If the board, pursuant to section 4758.221 of the Revised 21848
Code, elects to administer examinations for individuals seeking to 21849
act as substance abuse professionals in a U.S. department of 21850
transportation drug and alcohol testing program, the board's 21851
administration of the examinations; 21852

(3) For the purpose of section 4758.23 of the Revised Code, 21853
codes of ethical practice and professional conduct for individuals 21854
who hold a license ~~or~~, certificate, or endorsement issued under 21855
this chapter; 21856

(4) For the purpose of section 4758.24 of the Revised Code, 21857
all of the following: 21858

(a) Good moral character requirements for an individual who 21859
seeks or holds a license ~~or~~, certificate, or endorsement issued 21860
under this chapter; 21861

(b) The documents that an individual seeking such a license 21862
~~or~~, certificate, or endorsement must submit to the board; 21863

(c) Requirements to obtain the license ~~or~~, certificate, or 21864
endorsement that are in addition to the requirements established 21865
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 21866
4758.44, 4758.45, 4758.46, ~~and~~ 4758.47, and 4758.48 of the Revised 21867
Code. The additional requirements may include preceptorships. 21868

(d) The period of time that an individual whose registered 21869
applicant certificate has expired must wait before applying for a 21870
new registered applicant certificate. 21871

(5) For the purpose of section 4758.28 of the Revised Code, 21872
requirements for approval of continuing education courses of study 21873
for individuals who hold a license ~~or~~, certificate, or endorsement 21874
issued under this chapter; 21875

(6) For the purpose of section 4758.30 of the Revised Code, 21876
the intervention for and treatment of an individual holding a 21877
license ~~or~~, certificate, or endorsement issued under this chapter 21878
whose abilities to practice are impaired due to abuse of or 21879
dependency on alcohol or other drugs or other physical or mental 21880
condition; 21881

(7) Requirements governing reinstatement of a suspended or 21882
revoked license ~~or~~, certificate, or endorsement under division (B) 21883
of section 4758.30 of the Revised Code, including requirements for 21884
determining the amount of time an individual must wait to apply 21885
for reinstatement; 21886

(8) For the purpose of section 4758.31 of the Revised Code, 21887
methods of ensuring that all records the board holds pertaining to 21888
an investigation remain confidential during the investigation; 21889

(9) Criteria for employees of the board to follow when 21890
performing their duties under division (B) of section 4758.35 of 21891
the Revised Code; 21892

(10) For the purpose of division (A)(1) of section 4758.39 21893
and division (A)(1) of section 4758.40 of the Revised Code, course 21894
requirements for a degree in a behavioral science or nursing that 21895
shall, at a minimum, include at least forty semester hours in all 21896
of the following courses: 21897

(a) Theories of counseling and psychotherapy; 21898

(b) Counseling procedures; 21899

(c) Group process and techniques; 21900

(d) Relationship therapy; 21901

(e) Research methods and statistics;	21902
(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	21903 21904
(g) Psychopathology;	21905
(h) Human development;	21906
(i) Cultural competence in counseling;	21907
(j) Ethics.	21908
(11) For the purpose of division (A)(3) of section 4758.39,	21909
division (A)(3) of section 4758.40, division (A)(3) of section	21910
4758.41, and division (A)(3) of section 4758.42 of the Revised	21911
Code, training requirements for chemical dependency that shall, at	21912
a minimum, include qualifications for the individuals who provide	21913
the training and instruction in all of the following courses:	21914
(a) Theories of addiction;	21915
(b) Counseling procedures and strategies with addicted	21916
populations;	21917
(c) Group process and techniques working with addicted	21918
populations;	21919
(d) Assessment and diagnosis of addiction;	21920
(e) Relationship counseling with addicted populations;	21921
(f) Pharmacology;	21922
(g) Prevention strategies;	21923
(h) Treatment planning;	21924
(i) Legal and ethical issues.	21925
(12) For the purpose of division (B)(2)(b) of section 4758.40	21926
and division (B)(2) of section 4758.41 of the Revised Code,	21927
requirements for the forty clock hours of training on the version	21928
of the diagnostic and statistical manual of mental disorders that	21929

is current at the time of the training, including the number of 21930
the clock hours that must be on substance-related disorders, the 21931
number of the clock hours that must be on chemical dependency 21932
conditions, and the number of the clock hours that must be on 21933
awareness of other mental and emotional disorders; 21934

(13) For the purpose of division (A)(1) of section 4758.41 of 21935
the Revised Code, course requirements for a degree in a behavioral 21936
science or nursing; 21937

(14) For the purpose of division (A) of section 4758.43 of 21938
the Revised Code, training requirements for chemical dependency 21939
counseling that shall, at a minimum, include qualifications for 21940
the individuals who provide the training and instruction in one or 21941
more of the courses listed in division (A)(10) of this section as 21942
selected by the individual seeking the chemical dependency 21943
counselor assistant certificate; 21944

(15) For the purpose of division (A)(2) of section 4758.44 of 21945
the Revised Code, the field of study in which an individual must 21946
obtain at least a bachelor's degree; 21947

(16) For the purpose of division (A)(3) of section 4758.44, 21948
division (A)(3) of section 4758.45, and division (D) of section 21949
4758.46 of the Revised Code, requirements for prevention-related 21950
education; 21951

(17) For the purpose of division (A)(4) of section 4758.44 of 21952
the Revised Code, the number of hours of administrative or 21953
supervisory education that an individual must have; 21954

(18) For the purpose of division (A)(2) of section 4758.45 of 21955
the Revised Code, the field of study in which an individual must 21956
obtain at least an associate's degree; 21957

(19) Standards for the one hundred hours of compensated work 21958
or supervised internship in gambling disorder direct clinical 21959
experience required by division (B)(2) of section 4758.48 of the 21960

<u>Revised Code;</u>	21961
(20) (20) For the purpose of section 4758.51 of the Revised Code,	21962
continuing education requirements for individuals who hold a	21963
license or , <u>certificate, or endorsement</u> issued under this chapter;	21964
(20) (21) For the purpose of section 4758.51 of the Revised	21965
Code, the number of hours of continuing education that an	21966
individual must complete to have an expired license or ,	21967
<u>certificate, or endorsement</u> restored under section 4758.26 of the	21968
Revised Code;	21969
(21) (22) For the purpose of divisions (A) and (B) of section	21970
4758.52 of the Revised Code, training requirements for chemical	21971
dependency counseling;	21972
(22) (23) The duties, which may differ, of all of the	21973
following:	21974
(a) An independent chemical dependency counselor-clinical	21975
supervisor licensed under this chapter who supervises a chemical	21976
dependency counselor III under section 4758.56 of the Revised	21977
Code;	21978
(b) An independent chemical dependency counselor-clinical	21979
supervisor, independent chemical dependency counselor, or chemical	21980
dependency counselor III licensed under this chapter who	21981
supervises a chemical dependency counselor assistant under section	21982
4758.59 of the Revised Code;	21983
(c) A prevention specialist II or prevention specialist I	21984
certified under this chapter or independent chemical dependency	21985
counselor-clinical supervisor, independent chemical dependency	21986
counselor, or chemical dependency counselor III licensed under	21987
this chapter who supervises a prevention specialist assistant or	21988
registered applicant under section 4758.61 of the Revised Code.	21989
(23) (24) <u>The duties of an independent chemical dependency</u>	21990

<u>counselor licensed under this chapter who holds the gambling</u>	21991
<u>disorder endorsement who supervises a chemical dependency</u>	21992
<u>counselor III with the gambling disorder endorsement under section</u>	21993
<u>4758.62 of the Revised Code.</u>	21994
<u>(25)</u> Anything else necessary to administer this chapter.	21995
(B) All rules adopted under this section shall be adopted in	21996
accordance with Chapter 119. of the Revised Code and any	21997
applicable federal laws and regulations.	21998
(C) When it adopts rules under this section, the board may	21999
consider standards established by any national association or	22000
other organization representing the interests of those involved in	22001
chemical dependency counseling or alcohol and other drug	22002
prevention services.	22003
Sec. 4758.21. (A) In accordance with rules adopted under	22004
section 4758.20 of the Revised Code and subject to division (B) of	22005
this section, the chemical dependency professionals board shall	22006
establish, and may from time to time adjust, fees to be charged	22007
for the following:	22008
(1) Admitting an individual to an examination administered	22009
pursuant to section 4758.22 of the Revised Code;	22010
(2) Issuing an initial independent chemical dependency	22011
counselor-clinical supervisor license, independent chemical	22012
dependency counselor license, chemical dependency counselor III	22013
license, chemical dependency counselor II license, chemical	22014
dependency counselor assistant certificate, prevention specialist	22015
II certificate, prevention specialist I certificate, prevention	22016
specialist assistant certificate, or registered applicant	22017
certificate;	22018
(3) <u>Issuing an initial gambling disorder endorsement;</u>	22019
<u>(4)</u> Renewing an independent chemical dependency	22020

counselor-clinical supervisor license, independent chemical	22021
dependency counselor license, chemical dependency counselor III	22022
license, chemical dependency counselor II license, chemical	22023
dependency counselor assistant certificate, prevention specialist	22024
II certificate, prevention specialist I certificate, or prevention	22025
specialist assistant certificate;	22026
<u>(4)(5) Renewing a gambling disorder endorsement;</u>	22027
<u>(6)</u> Approving continuing education courses under section	22028
4758.28 of the Revised Code;	22029
<u>(5)(7)</u> Doing anything else the board determines necessary to	22030
administer this chapter.	22031
(B) The fees established under division (A) of this section	22032
are nonrefundable. They shall be in amounts sufficient to cover	22033
the necessary expenses of the board in administering this chapter	22034
and rules adopted under it. The fees for a license or,	22035
certificate, <u>or endorsement</u> and the renewal of a license or,	22036
certificate, <u>or endorsement</u> may differ for the various types of	22037
licenses and, certificates, <u>or endorsements</u> , but shall not exceed	22038
one hundred seventy-five dollars each, unless the board determines	22039
that amounts in excess of one hundred seventy-five dollars are	22040
needed to cover its necessary expenses in administering this	22041
chapter and rules adopted under it and the amounts in excess of	22042
one hundred seventy-five dollars are approved by the controlling	22043
board.	22044
(C) All vouchers of the board shall be approved by the	22045
chairperson or executive director of the board, or both, as	22046
authorized by the board.	22047
Sec. 4758.23. (A) In rules adopted under section 4758.20 of	22048
the Revised Code, the chemical dependency professionals board	22049
shall establish codes of ethical practice and professional conduct	22050

for the following: 22051

(1) Individuals who hold a valid independent chemical 22052
dependency counselor-clinical supervisor license, independent 22053
chemical dependency counselor license, chemical dependency 22054
counselor III license, chemical dependency counselor II license, 22055
or chemical dependency counselor assistant certificate issued 22056
under this chapter; 22057

(2) Individuals who hold a valid prevention specialist II 22058
certificate, prevention specialist I certificate, prevention 22059
specialist assistant certificate, or registered applicant 22060
certificate issued under this chapter; 22061

(3) Individuals who hold a valid gambling disorder 22062
endorsement. 22063

(B) The codes for individuals identified under division 22064
(A)(1) of this section shall define unprofessional conduct, which 22065
shall include engaging in a dual relationship with a client, 22066
former client, consumer, or former consumer; committing an act of 22067
sexual abuse, misconduct, or exploitation of a client, former 22068
client, consumer, or former consumer; and, except as permitted by 22069
law, violating client or consumer confidentiality. 22070

(C) The codes for individuals identified under division 22071
(A)(1) of this section may be based on any codes of ethical 22072
practice and professional conduct developed by national 22073
associations or other organizations representing the interests of 22074
those involved in chemical dependency counseling. The codes for 22075
individuals identified under division (A)(2) of this section may 22076
be based on any codes of ethical practice and professional conduct 22077
developed by national associations or other organizations 22078
representing the interests of those involved in alcohol and other 22079
drug prevention services. The board may establish standards in the 22080
codes that are more stringent than those established by the 22081

national associations or other organizations. 22082

Sec. 4758.24. (A) The chemical dependency professionals board 22083
shall issue a license ~~or~~, certificate, or endorsement under this 22084
chapter to an individual who meets all of the following 22085
requirements: 22086

(1) Is of good moral character as determined in accordance 22087
with rules adopted under section 4758.20 of the Revised Code; 22088

(2) Except as provided in section 4758.241 of the Revised 22089
Code, submits a properly completed application and all other 22090
documentation specified in rules adopted under section 4758.20 of 22091
the Revised Code; 22092

(3) Except as provided in section 4758.241 of the Revised 22093
Code, pays the fee established under section 4758.21 of the 22094
Revised Code for the license ~~or~~, certificate, or endorsement that 22095
the individual seeks; 22096

(4) Meets the requirements to obtain the license ~~or~~, 22097
certificate, or endorsement that the individual seeks as specified 22098
in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 22099
4758.45, 4758.46, ~~or~~ 4758.47, or 4758.48 of the Revised Code; 22100

(5) Meets any additional requirements specified in rules 22101
adopted under section 4758.20 of the Revised Code to obtain the 22102
license ~~or~~, certificate, or endorsement that the individual seeks. 22103

(B) The board shall not do either of the following: 22104

(1) Issue a certificate to practice as a chemical dependency 22105
counselor I; 22106

(2) Issue a new registered applicant certificate to an 22107
individual whose previous registered applicant certificate has 22108
been expired for less than the period of time specified in rules 22109
adopted under section 4758.20 of the Revised Code. 22110

Sec. 4758.26. (A) Subject to section 4758.30 of the Revised Code, a license ~~or~~, certificate, or endorsement issued under this chapter expires the following period of time after it is issued:

(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months;

(2) In the case of any other license ~~or~~, certificate, or endorsement, two years.

(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the chemical dependency professionals board shall renew a license ~~or~~, certificate, or endorsement issued under this chapter in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code if the individual seeking the renewal pays the renewal fee established under section 4758.21 of the Revised Code and does the following:

(1) In the case of an individual seeking renewal of an initial chemical dependency counselor assistant certificate, satisfies the additional training requirement established under section 4758.52 of the Revised Code;

(2) In the case of any other individual, satisfies the continuing education requirements established under section 4758.51 of the Revised Code.

(C) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, a license ~~or~~, certificate, or endorsement issued under this chapter that has expired may be restored if the individual seeking the restoration, not later than two years after the license ~~or~~, certificate, or endorsement expires, applies for restoration of the license ~~or~~, certificate, or endorsement. The board shall issue a restored license ~~or~~, certificate, or endorsement to the individual if the

individual pays the renewal fee established under section 4758.21 22141
of the Revised Code and does the following: 22142

(1) In the case of an individual whose initial chemical 22143
dependency counselor assistant certificate expired, satisfies the 22144
additional training requirement established under section 4758.52 22145
of the Revised Code; 22146

(2) In the case of any other individual, satisfies the 22147
continuing education requirements established under section 22148
4758.51 of the Revised Code for restoring the license ~~or~~ 22149
certificate, or endorsement. 22150

The board shall not require an individual to take an 22151
examination as a condition of having an expired license ~~or~~ 22152
certificate, or endorsement restored under this section. 22153

Sec. 4758.28. The chemical dependency professionals board 22154
shall approve, in accordance with rules adopted under section 22155
4758.20 of the Revised Code and subject to payment of the fee 22156
established under section 4758.21 of the Revised Code, continuing 22157
education courses of study for individuals who hold a license ~~or~~ 22158
certificate, or endorsement issued under this chapter. 22159

Sec. 4758.29. On receipt of a notice pursuant to section 22160
3123.43 of the Revised Code, the chemical dependency professionals 22161
board shall comply with sections 3123.41 to 3123.50 of the Revised 22162
Code and any applicable rules adopted under section 3123.63 of the 22163
Revised Code with respect to a license ~~or~~ certificate, or 22164
endorsement issued pursuant to this chapter. 22165

Sec. 4758.30. (A) The chemical dependency professionals 22166
board, in accordance with Chapter 119. of the Revised Code, may 22167
refuse to issue a license ~~or~~ certificate, or endorsement applied 22168
for under this chapter; refuse to renew or restore a license ~~or~~ 22169

certificate, or endorsement issued under this chapter; suspend, 22170
revoke, or otherwise restrict a license ~~or~~, certificate, or 22171
endorsement issued under this chapter; or reprimand an individual 22172
holding a license ~~or~~, certificate, or endorsement issued under 22173
this chapter. These actions may be taken by the board regarding 22174
the applicant for a license ~~or~~, certificate, or endorsement or the 22175
individual holding a license ~~or~~, certificate, or endorsement for 22176
one or more of the following reasons: 22177

(1) Violation of any provision of this chapter or rules 22178
adopted under it; 22179

(2) Knowingly making a false statement on an application for 22180
a license ~~or~~, certificate, or endorsement or for renewal, 22181
restoration, or reinstatement of a license ~~or~~, certificate, or 22182
endorsement; 22183

(3) Acceptance of a commission or rebate for referring an 22184
individual to a person who holds a license or certificate issued 22185
by, or who is registered with, an entity of state government, 22186
including persons practicing chemical dependency counseling, 22187
alcohol and other drug prevention services, gambling disorder 22188
counseling, or fields related to chemical dependency counseling, 22189
gambling disorder counseling, or alcohol and other drug prevention 22190
services; 22191

(4) Conviction in this or any other state of any crime that 22192
is a felony in this state; 22193

(5) Conviction in this or any other state of a misdemeanor 22194
committed in the course of practice as an independent chemical 22195
dependency counselor-clinical supervisor, independent chemical 22196
dependency counselor, chemical dependency counselor III, chemical 22197
dependency counselor II, chemical dependency counselor assistant, 22198
prevention specialist II, gambling disorder endorsee, prevention 22199
specialist I, prevention specialist assistant, or registered 22200

applicant;	22201
(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 applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;	22202 22203 22204 22205 22206 22207 22208 22209
(7) Practicing outside the individual's scope of practice;	22210
(8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, or 4758.61 , <u>or 4758.62</u> of the Revised Code;	22211 22212 22213
(9) Violation of the code of ethical practice and professional conduct for chemical dependency counseling or , alcohol and other drug prevention, <u>or gambling disorder counseling</u> services adopted by the board pursuant to section 4758.23 of the Revised Code;	22214 22215 22216 22217 22218
(10) Revocation of a license or , <u>certificate, or endorsement</u> or voluntary surrender of a license or , <u>certificate, or endorsement</u> in another state or jurisdiction for an offense that would be a violation of this chapter.	22219 22220 22221 22222
(B) An individual whose license or , <u>certificate, or endorsement</u> has been suspended or revoked under this section may apply to the board for reinstatement after an amount of time the board shall determine in accordance with rules adopted under section 4758.20 of the Revised Code. The board may accept or refuse an application for reinstatement. The board may require an examination for reinstatement of a license or , <u>certificate, or endorsement</u> that has been suspended or revoked.	22223 22224 22225 22226 22227 22228 22229 22230

Sec. 4758.31. The chemical dependency professionals board 22231
shall investigate alleged violations of this chapter or the rules 22232
adopted under it and alleged irregularities in the delivery of 22233
chemical dependency counseling services, gambling disorder 22234
counseling services, or alcohol and other drug prevention services 22235
by individuals who hold a license ~~or~~, certificate, or endorsement 22236
issued under this chapter. As part of an investigation, the board 22237
may issue subpoenas, examine witnesses, and administer oaths. 22238

The board may receive any information necessary to conduct an 22239
investigation under this section that has been obtained in 22240
accordance with federal laws and regulations. If the board is 22241
investigating the provision of chemical dependency counseling 22242
services or gambling disorder counseling services to a couple or 22243
group, it is not necessary for both members of the couple or all 22244
members of the group to consent to the release of information 22245
relevant to the investigation. 22246

The board shall ensure, in accordance with rules adopted 22247
under section 4758.20 of the Revised Code, that all records it 22248
holds pertaining to an investigation remain confidential during 22249
the investigation. After the investigation, the records are public 22250
records except as otherwise provided by federal or state law. 22251

Sec. 4758.35. (A) An individual seeking a license ~~or~~, 22252
certificate, or endorsement issued under this chapter shall file 22253
with the chemical dependency professionals board a written 22254
application on a form prescribed by the board. Each form shall 22255
state that a false statement made on the form is the crime of 22256
falsification under section 2921.13 of the Revised Code. 22257

(B) The board shall require an individual or individuals 22258
employed by the board under section 4758.15 of the Revised Code to 22259
do both of the following in accordance with criteria established 22260

by rules adopted under section 4758.20 of the Revised Code:	22261
(1) Receive and review all applications submitted to the board;	22262 22263
(2) Submit to the board all applications the individual or individuals recommend the board review based on the criteria established in the rules.	22264 22265 22266
(C) The board shall review all applications submitted to the board pursuant to division (B)(2) of this section.	22267 22268
Sec. 4758.36. As part of the review process under division (C) of section 4758.35 of the Revised Code of an application submitted by an applicant who has obtained the applicant's education, experience in chemical dependency counseling, <u>gambling disorder</u> , or alcohol and other drug prevention services, or education and experience outside the United States, the chemical dependency professionals board shall determine whether the applicant's command of the English language and education or experience meet the standards required by this chapter and rules adopted under it.	22269 22270 22271 22272 22273 22274 22275 22276 22277 22278
Sec. 4758.48. <u>An individual is not eligible for a gambling disorder endorsement unless the individual meets the requirements of divisions (A) and (B) of this section.</u>	22279 22280 22281
<u>(A) The individual is an independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II licensed under this chapter.</u>	22282 22283 22284
<u>(B) Except as otherwise provided in this division, the individual has completed both of the following:</u>	22285 22286
<u>(1) A minimum of thirty hours of gambling disorder training that meets the requirements prescribed in rules adopted under section 4758.20 of the Revised Code; and</u>	22287 22288 22289

(2) A minimum of one hundred hours of compensated work or supervised internship in gambling disorder direct clinical experience. 22290
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An individual may be issued an initial gambling disorder endorsement without having complied with division (B)(2) of this section, but the individual shall comply with division (B)(2) of this section before expiration of the initial endorsement. An individual who fails to comply with this paragraph is not entitled to renewal of the initial endorsement. 22293
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Sec. 4758.50. An individual who holds a license ~~or~~ certificate, or endorsement issued under this chapter shall post the license ~~or~~ certificate, or endorsement in a prominent place at the individual's place of employment. 22299
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Sec. 4758.51. (A) Except as provided in division (C) of this section and in accordance with rules adopted under section 4758.20 of the Revised Code, each individual who holds a license ~~or~~ certificate, or endorsement issued under this chapter, other than an initial chemical dependency counselor assistant certificate, shall complete during the period that the license ~~or~~ certificate, or endorsement is in effect not less than the following number of clock hours of continuing education as a condition of receiving a renewed license ~~or~~ certificate, or endorsement: 22303
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(1) In the case of an individual holding a prevention specialist assistant certificate, twenty; 22312
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(2) In the case of an individual holding a gambling disorder endorsement, six; 22314
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(3) In the case of any other individual, forty. 22316

(B) Except as provided in division (C) of this section, an individual whose license ~~or~~ certificate, or endorsement issued under this chapter, other than an initial chemical dependency 22317
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counselor assistant certificate, has expired shall complete the 22320
number of hours of continuing education specified in rules adopted 22321
under section 4758.20 of the Revised Code as a condition of 22322
receiving a restored license ~~or~~, certificate, or endorsement. 22323

(C) The chemical dependency professionals board may waive the 22324
continuing education requirements established under this section 22325
for individuals who are unable to fulfill them because of military 22326
service, illness, residence outside the United States, or any 22327
other reason the board considers acceptable. 22328

Sec. 4758.55. In addition to practicing chemical dependency 22329
counseling, an individual holding a valid independent chemical 22330
dependency counselor license may do all of the following: 22331

(A) Diagnose and treat chemical dependency conditions; 22332

(B) Perform treatment planning, assessment, crisis 22333
intervention, individual and group counseling, case management, 22334
and education services as they relate to abuse of and dependency 22335
on alcohol and other drugs; 22336

(C) Provide clinical supervision of chemical dependency 22337
counseling under the supervision of any of the following: 22338

(1) An independent chemical dependency counselor-clinical 22339
supervisor licensed under this chapter; 22340

(2) An individual authorized under Chapter 4731. of the 22341
Revised Code to practice medicine and surgery or osteopathic 22342
medicine and surgery; 22343

(3) A psychologist licensed under Chapter 4732. of the 22344
Revised Code; 22345

(4) A registered nurse licensed under Chapter 4723. of the 22346
Revised Code or licensed professional clinical counselor, 22347
independent social worker, or independent marriage and family 22348
therapist licensed under Chapter 4757. of the Revised Code if such 22349

supervision is consistent with the scope of practice of the 22350
registered nurse, licensed professional clinical counselor, 22351
independent social worker, or independent marriage and family 22352
therapist; 22353

(5) An individual authorized to practice as a certified nurse 22354
practitioner or clinical nurse specialist under Chapter 4723. of 22355
the Revised Code. 22356

(D) Refer individuals with nonchemical dependency conditions 22357
to appropriate sources of help. 22358

Sec. 4758.561. Any of the following professionals may 22359
supervise a chemical dependency counselor III for purposes of 22360
divisions (A)(1) and (4) of section 4758.56 of the Revised Code: 22361

(A) An independent chemical dependency counselor-clinical 22362
supervisor licensed under this chapter; 22363

(B) An individual authorized under Chapter 4731. of the 22364
Revised Code to practice medicine and surgery or osteopathic 22365
medicine and surgery; 22366

(C) A psychologist licensed under Chapter 4732. of the 22367
Revised Code; 22368

(D) A registered nurse licensed under Chapter 4723. of the 22369
Revised Code or licensed professional clinical counselor, 22370
independent social worker, or independent marriage and family 22371
therapist licensed under Chapter 4757. of the Revised Code if such 22372
supervision is consistent with the scope of practice of the 22373
registered nurse, licensed professional clinical counselor, 22374
independent social worker, or independent marriage and family 22375
therapist; 22376

(E) An individual authorized to practice as a certified nurse 22377
practitioner or clinical nurse specialist under Chapter 4723. of 22378
the Revised Code. 22379

Sec. 4758.59. (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate may do both of the following in addition to practicing chemical dependency counseling:

(1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs;

(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(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:

(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter;

(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A psychologist licensed under Chapter 4732. of the Revised Code;

(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;

<u>(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.</u>	22410
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	22412
(C) A chemical dependency counselor assistant may not practice as an individual practitioner.	22413
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Sec. 4758.60. An individual who holds a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services <u>as specified in rules adopted under section 4758.20 of the Revised Code.</u>	22415
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Sec. 4758.61. An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services under the supervision of any of the following:	22420
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	22424
(A) A prevention specialist II or prevention specialist I certified under this chapter;	22425
	22426
(B) An independent chemical dependency counselor-clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III licensed under this chapter;	22427
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	22429
(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	22430
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(D) A psychologist licensed under Chapter 4732. of the Revised Code;	22433
	22434
(E) A registered nurse licensed under Chapter 4723. of the Revised Code;	22435
	22436
(F) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social	22437
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worker, an independent marriage and family therapist, or a 22439
marriage and family therapist licensed under Chapter 4757. of the 22440
Revised Code; 22441

(G) A school counselor licensed by the department of 22442
education pursuant to section 3319.22 of the Revised Code; 22443

(H) A health education specialist certified by the national 22444
commission for health education credentialing; 22445

(I) An individual authorized to practice as a certified nurse 22446
practitioner or clinical nurse specialist under Chapter 4723. of 22447
the Revised Code. 22448

Sec. 4758.62. An individual who holds an independent chemical 22449
dependency counselor license and a gambling disorder endorsement 22450
may do all of the following: 22451

(A) Diagnose and treat gambling disorder conditions; 22452

(B) Perform treatment planning, assessment, crisis 22453
intervention, individual and group counseling, case management, 22454
and educational services insofar as those functions relate to 22455
gambling disorders; 22456

(C) Supervise gambling disorder counseling; and 22457

(D) Refer individuals with other gambling conditions to 22458
appropriate sources of help. 22459

Sec. 4758.63. An individual who holds a chemical dependency 22460
counselor III license and a gambling disorder endorsement may do 22461
all of the following: 22462

(A) Treat gambling disorder conditions; 22463

(B) Diagnose gambling disorder conditions under supervision; 22464

(C) Perform treatment planning, assessment, crisis 22465
intervention, individual and group counseling, case management, 22466

<u>and educational services insofar as those functions relate to</u>	22467
<u>gambling disorders;</u>	22468
<u>(D) Supervise gambling disorder counseling under supervision;</u>	22469
<u>and</u>	22470
<u>(E) Refer individuals with other gambling conditions to</u>	22471
<u>appropriate sources of help.</u>	22472
<u>The supervision required by divisions (B) and (D) of this</u>	22473
<u>section shall be provided by an independent chemical dependency</u>	22474
<u>counselor licensed under this chapter; an individual authorized to</u>	22475
<u>practice medicine and surgery or osteopathic medicine and surgery</u>	22476
<u>under Chapter 4731. of the Revised Code; a psychologist licensed</u>	22477
<u>under Chapter 4732. of the Revised Code; an individual authorized</u>	22478
<u>to practice as a certified nurse practitioner or clinical nurse</u>	22479
<u>specialist under Chapter 4723. of the Revised Code; a registered</u>	22480
<u>nurse licensed under Chapter 4723. of the Revised Code; or a</u>	22481
<u>professional clinical counselor, independent social worker, or</u>	22482
<u>independent marriage and family therapist licensed under Chapter</u>	22483
<u>4757. of the Revised Code.</u>	22484
<u>An individual holding a chemical dependency counselor III</u>	22485
<u>license shall not practice as an individual practitioner.</u>	22486
<u>Sec. 4758.64. An individual who holds a chemical dependency</u>	22487
<u>counselor II license and a gambling disorder endorsement may do</u>	22488
<u>all of the following:</u>	22489
<u>(A) Treat gambling disorder conditions;</u>	22490
<u>(B) Perform treatment planning, assessment, crisis</u>	22491
<u>intervention, individual and group counseling, case management,</u>	22492
<u>and educational services insofar as those functions relate to</u>	22493
<u>gambling disorders; and</u>	22494
<u>(C) Refer individuals with other gambling conditions to</u>	22495
<u>appropriate sources of help.</u>	22496

An individual holding a chemical dependency II license shall 22497
not practice as an individual practitioner. 22498

Sec. 4758.71. Nothing in this chapter or the rules adopted 22499
under it authorizes an individual who holds a license ~~or~~, 22500
certificate, or endorsement issued under this chapter to admit a 22501
patient to a hospital or requires a hospital to allow any such 22502
individual to admit a patient. 22503

Sec. 4781.04. (A) The manufactured homes commission shall 22504
adopt rules pursuant to Chapter 119. of the Revised Code to do all 22505
of the following: 22506

(1) Establish uniform standards that govern the installation 22507
of manufactured housing. Not later than one hundred eighty days 22508
after the secretary of the United States department of housing and 22509
urban development adopts model standards for the installation of 22510
manufactured housing or amends those standards, the commission 22511
shall amend its standards as necessary to be consistent with, and 22512
not less stringent than, the model standards for the design and 22513
installation of manufactured housing the secretary adopts or any 22514
manufacturers' standards that the secretary determines are equal 22515
to or not less stringent than the model standards. 22516

(2) Govern the inspection of the installation of manufactured 22517
housing. The rules shall specify that the commission, any building 22518
department or personnel of any department, or any private third 22519
party, certified pursuant to section 4781.07 of the Revised Code 22520
shall conduct all inspections of the installation of manufactured 22521
housing located in manufactured home parks to determine compliance 22522
with the uniform installation standards the commission establishes 22523
pursuant to this section. 22524

(3) Govern the design, construction, installation, approval, 22525
and inspection of foundations and the base support systems for 22526

manufactured housing. The rules shall specify that the commission, 22527
any building department or personnel of any department, or any 22528
private third party, certified pursuant to section 4781.07 of the 22529
Revised Code shall conduct all inspections of the installation, 22530
foundations, and base support systems of manufactured housing 22531
located in manufactured home parks to determine compliance with 22532
the uniform installation standards and foundation and base support 22533
system design the commission establishes pursuant to this section. 22534

(4) Govern the training, experience, and education 22535
requirements for manufactured housing installers, manufactured 22536
housing dealers, manufactured housing brokers, and manufactured 22537
housing salespersons; 22538

(5) Establish a code of ethics for manufactured housing 22539
installers; 22540

(6) Govern the issuance, revocation, and suspension of 22541
licenses to manufactured housing installers; 22542

(7) Establish fees for the issuance and renewal of licenses, 22543
for conducting inspections to determine an applicant's compliance 22544
with this chapter and the rules adopted pursuant to it, and for 22545
the commission's expenses incurred in implementing this chapter; 22546

(8) Establish conditions under which a licensee may enter 22547
into contracts to fulfill the licensee's responsibilities; 22548

(9) Govern the investigation of complaints concerning any 22549
violation of this chapter or the rules adopted pursuant to it or 22550
complaints involving the conduct of any licensed manufactured 22551
housing installer or person installing manufactured housing 22552
without a license, licensed manufactured housing dealer, licensed 22553
manufactured housing broker, or manufactured housing salesperson; 22554

(10) Establish a dispute resolution program for the timely 22555
resolution of warranty issues involving new manufactured homes, 22556
disputes regarding responsibility for the correction or repair of 22557

defects in manufactured housing, and the installation of 22558
manufactured housing. The rules shall provide for the timely 22559
resolution of disputes between manufacturers, manufactured housing 22560
dealers, and installers regarding the correction or repair of 22561
defects in manufactured housing that are reported by the purchaser 22562
of the home during the one-year period beginning on the date of 22563
installation of the home. The rules also shall provide that 22564
decisions made regarding the dispute under the program are not 22565
binding upon the purchaser of the home or the other parties 22566
involved in the dispute unless the purchaser so agrees in a 22567
written acknowledgement that the purchaser signs and delivers to 22568
the program within ten business days after the decision is issued. 22569

(11) Establish the requirements and procedures for the 22570
certification of building departments and building department 22571
personnel pursuant to section 4781.07 of the Revised Code; 22572

(12) Establish fees to be charged to building departments and 22573
building department personnel applying for certification and 22574
renewal of certification pursuant to section 4781.07 of the 22575
Revised Code; 22576

(13) Develop a policy regarding the maintenance of records 22577
for any inspection authorized or conducted pursuant to this 22578
chapter. Any record maintained under division (A)(13) of this 22579
section shall be a public record under section 149.43 of the 22580
Revised Code. 22581

(14) Carry out any other provision of this chapter. 22582

(B) The manufactured homes commission shall do all of the 22583
following: 22584

(1) Prepare and administer a licensure examination to 22585
determine an applicant's knowledge of manufactured housing 22586
installation and other aspects of installation the commission 22587
determines appropriate; 22588

(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	22589 22590 22591
(3) Prepare and distribute any application form this chapter requires;	22592 22593
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	22594 22595
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	22596 22597
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	22598 22599 22600
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	22601 22602
(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;	22603 22604 22605 22606 22607
(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;	22608 22609 22610 22611
(10) Determine appropriate disciplinary actions for violations of this chapter;	22612 22613
(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	22614 22615 22616 22617 22618

housing installer, dealer, or broker during normal business hours. 22619

(12) Approve an installation training course, which may be 22620
offered by the Ohio manufactured homes association or other 22621
entity; 22622

(13) Perform any function or duty necessary to administer 22623
this chapter and the rules adopted pursuant to it. 22624

(C) Nothing in this section, or in any rule adopted by the 22625
manufactured homes commission, shall be construed to limit the 22626
authority of a board of health to enforce section 3701.344 or 22627
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 22628
authority of the department of administrative services to lease 22629
space for the use of a state agency and to group together state 22630
offices in any city in the state as provided in section 123.01 of 22631
the Revised Code. 22632

Sec. 4901.05. Each public utilities commissioner shall be a 22633
bona fide resident of this state and shall not, during ~~his~~ the 22634
commissioner's term of office, hold any other office ~~under the~~ 22635
~~government of the United States, or of this state, or of any~~ 22636
~~political subdivision thereof, either~~ of trust or profit. No 22637
commissioner shall engage in any occupation or business 22638
inconsistent with ~~his~~ the commissioner's duties as commissioner, 22639
but shall devote ~~his~~ entire time to the duties of ~~his~~ that office. 22640

As used in this section only, "office of trust or profit" 22641
means: 22642

(A) A federal or state elective office or an elected office 22643
of a political subdivision of the state; 22644

(B) A position on a board or commission of the state that is 22645
appointed by the governor; 22646

(C) An office set forth in section 121.03, 121.04, or 121.05 22647
of the Revised Code; 22648

(D) An office of the government of the United States that is 22649
appointed by the president of the United States. 22650

Sec. 4905.911. (A)(1) Except as provided in division (A)(2) 22651
of this section: 22652

(a) The public utilities commission shall require an operator 22653
of either of the following types of pipelines that was completely 22654
constructed on or after ~~the effective date of this section~~ 22655
September 10, 2012, and that transports gas produced by a 22656
horizontal well to comply with the applicable pipe design 22657
requirements of 49 C.F.R. 192 subpart C: 22658

~~(a)~~(i) A gas gathering pipeline; 22659

~~(b)~~(ii) A processing plant gas stub pipeline. 22660

~~(2)~~(b) The commission shall also require the operator to do 22661
all of the following regarding that pipeline: 22662

~~(a)~~(i) Design, install, construct, initially inspect, and 22663
initially test the pipeline in accordance with the requirements of 22664
49 C.F.R. 192 if the pipeline is new, replaced, relocated, or 22665
otherwise changed; 22666

~~(b)~~(ii) Control corrosion according to requirements of 49 22667
C.F.R. 192 subpart I if the pipeline is metallic; 22668

~~(c)~~(iii) Establish and carry out a damage prevention program 22669
under 49 C.F.R. 192.614; 22670

~~(d)~~(iv) Establish and carry out a public education program 22671
under 49 C.F.R. 192.616; 22672

~~(e)~~(v) Establish the MAOP of the pipeline under 49 C.F.R. 22673
192.619; 22674

~~(f)~~(vi) Install and maintain pipeline markers according to 22675
the requirements for transmission lines under 49 C.F.R. 192.707; 22676

~~(g)~~(vii) Perform leakage surveys according to requirements in 22677

49 C.F.R. 192.706;	22678
(h)(viii) Retain a record of each required leakage survey	22679
conducted under division (A) (2)(g)(1)(b)(vii) of this section and	22680
49 C.F.R. 192.706 for five years or until the next leakage survey	22681
is completed, whichever time period is longer.	22682
<u>(2) The commission may, at its discretion and in accordance</u>	22683
<u>with subsection (d) of 49 U.S.C. 60118, waive compliance with a</u>	22684
<u>pipe design requirement of 49 C.F.R. 192 subpart C.</u>	22685
(B)(1) Any person who plans to construct a pipeline subject	22686
to division (A) of this section after the effective date of this	22687
section <u>September 10, 2012</u> , shall file with the public utilities	22688
commission division of pipeline safety a form approved by the	22689
division that includes all of the following information:	22690
(a) The route of the proposed pipeline;	22691
(b) The MAOP of the pipeline;	22692
(c) The outside diameter of the pipeline;	22693
(d) The wall thickness of the pipeline;	22694
(e) The material that the pipeline will be made of;	22695
(f) The yield strength of the pipeline.	22696
The form shall be filed with the division not later than	22697
twenty-one days prior to the commencement of construction of the	22698
pipeline.	22699
(2) Not later than sixty days after the completion of	22700
construction of a pipeline subject to division (B)(1) of this	22701
section, the operator of the pipeline shall file with the public	22702
utilities commission division of pipeline safety an explanation of	22703
the constructed pipeline's route and operating information.	22704
(C) For purposes of this section:	22705
(1) "Horizontal well" has the same meaning as in section	22706

1509.01 of the Revised Code. 22707

(2) "Operator" means any person that owns, operates, manages, 22708
controls, or leases a gas gathering pipeline or a processing plant 22709
gas stub pipeline. 22710

Sec. 4906.20. (A) No person shall commence to construct an 22711
economically significant wind farm in this state without first 22712
having obtained a certificate from the power siting board. An 22713
economically significant wind farm with respect to which such a 22714
certificate is required shall be constructed, operated, and 22715
maintained in conformity with that certificate and any terms, 22716
conditions, and modifications it contains. A certificate shall be 22717
issued only pursuant to this section. The certificate may be 22718
transferred, subject to the approval of the board, to a person 22719
that agrees to comply with those terms, conditions, and 22720
modifications. 22721

(B) The board shall adopt rules governing the certificating 22722
of economically significant wind farms under this section. Initial 22723
rules shall be adopted within one hundred twenty days after June 22724
24, 2008. 22725

(1) The rules shall provide for an application process for 22726
certificating economically significant wind farms that is 22727
identical to the extent practicable to the process applicable to 22728
certificating major utility facilities under sections 4906.06, 22729
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 22730
Revised Code and shall prescribe a reasonable schedule of 22731
application filing fees structured in the manner of the schedule 22732
of filing fees required for major utility facilities. 22733

(2) Additionally, the rules shall prescribe reasonable 22734
regulations regarding any wind turbines and associated facilities 22735
of an economically significant wind farm, including, but not 22736
limited to, their location, erection, construction, 22737

reconstruction, change, alteration, maintenance, removal, use, or 22738
enlargement and including erosion control, aesthetics, 22739
recreational land use, wildlife protection, interconnection with 22740
power lines and with regional transmission organizations, 22741
independent transmission system operators, or similar 22742
organizations, ice throw, sound and noise levels, blade shear, 22743
shadow flicker, decommissioning, and necessary cooperation for 22744
site visits and enforcement investigations. ~~The~~ 22745

(a) The rules also shall prescribe a minimum setback for a 22746
wind turbine of an economically significant wind farm. That 22747
minimum shall be equal to a horizontal distance, from the 22748
turbine's base to the property line of the wind farm property, 22749
equal to one and one-tenth times the total height of the turbine 22750
structure as measured from its base to the tip of its highest 22751
blade and be at least one thousand one hundred twenty-five feet in 22752
horizontal distance from the tip of the turbine's nearest blade at 22753
ninety degrees to ~~the exterior of~~ property line of the nearest, 22754
~~habitable, residential structure, if any, located on~~ adjacent 22755
property at the time of the certification application. ~~For~~ 22756

(b)(i) For any existing certificates and amendments thereto, 22757
and existing certification applications that have been found by 22758
the chairperson to be in compliance with division (A) of section 22759
4906.06 of the Revised Code before the effective date of the 22760
amendment of this section by H.B. 59 of the 130th general 22761
assembly, September 29, 2013, the distance shall be seven hundred 22762
fifty feet instead of one thousand one hundred twenty-five feet. 22763
~~The~~ 22764

(ii) Any amendment made to an existing certificate after the 22765
effective date of the amendment of this section by H.B. 483 of the 22766
130th general assembly shall be subject to the setback provision 22767
of this section as amended by that act. The amendments to this 22768
section by that act shall not be construed to limit or abridge any 22769

rights or remedies in equity or under the common law. 22770

(c) The setback shall apply in all cases except those in 22771
which all owners of property adjacent to the wind farm property 22772
waive application of the setback to that property pursuant to a 22773
procedure the board shall establish by rule and except in which, 22774
in a particular case, the board determines that a setback greater 22775
than the minimum is necessary. 22776

Sec. 4906.201. (A) An electric generating plant that consists 22777
of wind turbines and associated facilities with a single 22778
interconnection to the electrical grid that is designed for, or 22779
capable of, operation at an aggregate capacity of fifty megawatts 22780
or more is subject to the minimum setback requirements established 22781
in rules adopted by the power siting board under division (B)(2) 22782
of section 4906.20 of the Revised Code. ~~For~~ 22783

(B)(1) For any existing certificates and amendments thereto, 22784
and existing certification applications that have been found by 22785
the chairperson to be in compliance with division (A) of section 22786
4906.06 of the Revised Code before the effective date of the 22787
amendment of this section by H.B. 59 of the 130th general 22788
assembly, September 29, 2013, the distance shall be seven hundred 22789
fifty feet instead of one thousand one hundred twenty-five feet. 22790

(2) Any amendment made to an existing certificate after the 22791
effective date of the amendment of this section by H.B. 483 of the 22792
130th general assembly, shall be subject to the setback provision 22793
of this section as amended by that act. The amendments to this 22794
section by that act shall not be construed to limit or abridge any 22795
rights or remedies in equity or under the common law. 22796

Sec. 4923.02. (A) As used in this chapter, "private motor 22797
carrier" does not include a person when engaged in any of the 22798
following in intrastate commerce: 22799

(1) The transportation of persons in taxicabs in the usual taxicab service;	22800 22801
(2) The transportation of pupils in school busses operating to or from school sessions or school events;	22802 22803
(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;	22804 22805
(4) The distribution of newspapers;	22806
(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;	22807 22808
(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;	22809 22810
(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	22811 22812
(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;	22813 22814 22815 22816
(9) The operation of motor vehicles for contractors on public road work.	22817 22818
(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:	22819 22820 22821 22822
(1) The governor of this state has declared an emergency.	22823
(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.	22824 22825
(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate	22826 22827 22828

commerce not otherwise identified in divisions (A) and (B) of this section. 22829
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(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with ~~either of the~~ following: 22831
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(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code; 22834
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(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code; 22838
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(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code. 22840
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Sec. 5101.061. (A) There is hereby established in the department of job and family services the office of human services innovation. The office shall develop recommendations, as described in division (B) of this section, regarding the coordination and reform of state programs to assist the residents of this state in preparing for life and the dignity of work and to promote individual responsibility and work opportunity. 22844
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The director of job and family services shall establish the office's organizational structure, may reassign the department's staff and resources as necessary to support the office's activities, and is responsible for the office's operations. The superintendent of public instruction, chancellor of the Ohio board of regents, director of the governor's office of workforce transformation, and director of the governor's office of health transformation shall assist the director of job and family 22851
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services with leadership and organizational support for the 22859
office. 22860

(B) Not later than January 1, 2015, the office shall submit 22861
to the governor recommendations for all of the following: 22862

(1) Coordinating services across all public assistance 22863
programs to help individuals find employment, succeed at work, and 22864
stay out of poverty; 22865

(2) Revising incentives for public assistance programs to 22866
foster person-centered case management; 22867

(3) Standardizing and automating eligibility determination 22868
policies and processes for public assistance programs; 22869

(4) Other matters the office considers appropriate. 22870

(C) Not later than three months after the effective date of 22871
this section, the office shall establish clear principles to guide 22872
the development of its recommendations, shall identify in detail 22873
the problems to be addressed in the recommendations, and shall 22874
make an inventory of all state and other resources that the office 22875
considers relevant to the recommendations. 22876

(D) The office shall convene the directors and staff of the 22877
departments, agencies, offices, boards, commissions, and 22878
institutions of the executive branch of the state as necessary to 22879
develop the office's recommendations. The departments, agencies, 22880
offices, boards, commissions, and institutions shall comply with 22881
all requests and directives that the office makes, subject to the 22882
supervision of the directors of the departments, agencies, 22883
offices, boards, commissions, and institutions. The office also 22884
shall convene other individuals interested in the issues that the 22885
office addresses in the development of the recommendations to 22886
obtain their input on, and support for, the recommendations. 22887

Sec. 5101.90. (A) As used in this section, "public" 22888

assistance" has the same meaning as in section 5101.26 of the 22889
Revised Code. 22890

(B) The department of job and family services, in 22891
consultation with representatives designated by the county 22892
commissioners association of Ohio and the Ohio job and family 22893
services directors association, shall establish an evaluation 22894
system that rates each county department of job and family 22895
services in terms of its success with helping public assistance 22896
recipients obtain employment that enables the recipients to cease 22897
relying on public assistance. A county department of job and 22898
family services may implement an evaluation system established by 22899
the Ohio department of job and family services to evaluate an 22900
individual caseworker's success in helping a public assistance 22901
recipient obtain employment that enables the recipient to cease 22902
relying on public assistance. 22903

(C) The department shall design the evaluation system 22904
established under this section in a manner that encourages 22905
caseworkers and county departments to increase their success with 22906
helping public assistance recipients obtain employment that 22907
enables the recipients to cease relying on public assistance. The 22908
system shall provide for caseworkers' and county departments' 22909
ratings under the system to be updated at least annually. 22910

Sec. 5101.91. (A) As used in sections 5101.91 and 5101.92 of 22911
the Revised Code: 22912

(1) "Political subdivision" has the same meaning as in 22913
section 2744.01 of the Revised Code. 22914

(2) "Publicly funded assistance program" means any physical 22915
health, behavioral health, social, employment, education, housing, 22916
or similar program funded or provided by the state or a political 22917
subdivision of the state. 22918

(B) There is hereby created the Ohio healthier buckeye advisory council in the department of job and family services. The council shall meet at the discretion of the director of job and family services and shall consist of the following members: 22919
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(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor; 22923
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(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the senate; 22927
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(3) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives; 22930
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(4) One member representing the judicial branch of government, appointed by the chief justice of the supreme court; 22933
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(5) Additional members representing any other entities or organizations the director of job and family services determines are necessary, appointed by the governor. 22935
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22937

(C) Initial appointments to the council shall be made not later than thirty days after the effective date of this section. 22938
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A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the council. Vacancies on the council shall be filled in the same manner as the original appointments. 22940
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(D) The director of job and family services shall serve as chairperson of the council. 22944
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Sec. 5101.92. The Ohio healthier buckeye advisory council may do all of the following: 22946
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(A) Develop means by which county healthier buckeye councils established under section 355.02 of the Revised Code may reduce the reliance of individuals on publicly funded assistance programs as provided in section 355.03 of the Revised Code; 22948
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(B) Recommend to the director of job and family services eligibility criteria, application processes, and maximum grant amounts for the Ohio healthier buckeye grant program; 22952
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(C) Not later than December 1, 2014, submit to the director recommendations for doing all of the following: 22955
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(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty; 22957
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(2) Revising incentives for public assistance programs to foster person-centered case management; 22960
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(3) Standardizing and automating eligibility determination policies and processes for public assistance programs. 22962
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Sec. 5103.05. (A) As used in this section and section 5103.051 of the Revised Code: 22964
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(1) "Children's residential center" means a facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department of job and family services to operate a children's residential center, and in which eleven or more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day. 22966
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(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code. 22974
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(3) "County children's home" means a facility established under section 5153.21 of the Revised Code. 22976
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(4) "District children's home" means a facility established 22978
under section 5153.42 of the Revised Code. 22979

(5) "Group home for children" means any public or private 22980
facility that is operated by a private child placing agency, 22981
private noncustodial agency, or public children services agency, 22982
that has been certified by the department to operate a group home 22983
for children, and that meets all of the following criteria: 22984

(a) Gives, for compensation, a maximum of ten children, 22985
including the children of the operator or any staff who reside in 22986
the facility, nonsecure care and supervision twenty-four hours a 22987
day by a person or persons who are unrelated to the children by 22988
blood or marriage, or who is not the appointed guardian of any of 22989
the children; 22990

(b) Is not certified as a foster home; 22991

(c) Receives or cares for children for two or more 22992
consecutive weeks. 22993

"Group home for children" does not include any facility that 22994
provides care for children from only a single-family group, placed 22995
at the facility by the children's parents or other relative having 22996
custody. 22997

(6) "Residential facility" means a group home for children, 22998
children's crisis care facility, children's residential center, 22999
residential parenting facility that provides twenty-four-hour 23000
child care, county children's home, or district children's home. A 23001
foster home is not a residential facility. 23002

(7) "Residential parenting facility" means a facility 23003
operated by a private child placing agency, private noncustodial 23004
agency, or public children services agency, that has been 23005
certified by the department to operate a residential parenting 23006
facility, in which teenage mothers and their children reside for 23007
the purpose of keeping mother and child together, teaching 23008

parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills. 23009
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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. 23012
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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: 23016
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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. 23021
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(2) A copy of the facility's procedures for emergencies and disasters established pursuant to rules adopted under section 5103.03 of the Revised Code; 23028
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(3) A copy of the facility's medical emergency plan established pursuant to rules adopted under section 5103.03 of the Revised Code; 23031
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(4) A copy of the facility's community engagement plan established pursuant to rules adopted under section 5103.051 of the Revised Code. 23034
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(C) Within ten days of a facility's recertification by the department, the facility shall provide to all county, municipal, or township law enforcement agencies, emergency management 23037
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agencies, and fire departments with jurisdiction over the facility 23040
updated copies of the information required to be provided under 23041
divisions (B)(2), (3), and (4) of this section. 23042

(D) The department may adopt rules in accordance with Chapter 23043
119. of the Revised Code necessary to implement this section. 23044

Sec. 5103.051. (A) Each private child placing agency, private 23045
noncustodial agency, public children services agency, or 23046
superintendent of a county or district children's home shall 23047
establish a community engagement plan in accordance with rules 23048
adopted under division (B) of this section for each residential 23049
facility the agency, entity, or superintendent operates. 23050

(B)(1) The department of job and family services shall adopt 23051
rules in accordance with Chapter 119. of the Revised Code that 23052
establish the following: 23053

(a) The contents of a community engagement plan to be 23054
established under division (A) of this section that includes the 23055
following: 23056

(i) Protocols for the community in which a residential 23057
facility is located to communicate concerns or other pertinent 23058
information directly to the agency or entity; 23059

(ii) Protocols for the agency or entity in responding to a 23060
communication made under division (B)(1)(a)(i) of this section. 23061

(b) Orientation procedures for training residential facility 23062
staff on the implementation of the community engagement plan 23063
established under division (A) of this section and procedures for 23064
responding to incidents involving a child at the facility and 23065
neighbors or the police. 23066

(2) The department shall file initial rules adopted under 23067
division (B)(1) of this section within ninety days after the 23068
effective date of this section. 23069

Sec. 5104.03. (A) Any person, firm, organization, 23070
institution, or agency seeking to establish a child day-care 23071
center, type A family day-care home, or licensed type B family 23072
day-care home shall apply for a license to the director of job and 23073
family services on such form as the director prescribes. The 23074
director shall provide at no charge to each applicant for 23075
licensure a copy of the child care license requirements in this 23076
chapter and a copy of the rules adopted pursuant to this chapter. 23077
The copies may be provided in paper or electronic form. 23078

Fees shall be set by the director pursuant to sections 23079
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 23080
paid at the time of application for a license to operate a center, 23081
type A home, or type B home. Fees collected under this section 23082
shall be paid into the state treasury to the credit of the general 23083
revenue fund. 23084

(B)(1) Upon filing of the application for a license, the 23085
director shall investigate and inspect the center, type A home, or 23086
type B home to determine the license capacity for each age 23087
category of children of the center, type A home, or type B home 23088
and to determine whether the center, type A home, or type B home 23089
complies with this chapter and rules adopted pursuant to this 23090
chapter. When, after investigation and inspection, the director is 23091
satisfied that this chapter and rules adopted pursuant to it are 23092
complied with, subject to division (H) of this section, a license 23093
shall be issued as soon as practicable in such form and manner as 23094
prescribed by the director. The license shall be designated as 23095
provisional and shall be valid for twelve months from the date of 23096
issuance unless revoked. 23097

(2) The director may contract with a government entity or a 23098
private nonprofit entity for the entity to inspect ~~and license~~ 23099
type B family day-care homes pursuant to this section. If the 23100

director contracts with a government entity or private nonprofit 23101
entity for that purpose, the entity may contract with another 23102
government entity or private nonprofit entity for the other entity 23103
to inspect type B homes pursuant to this section. The ~~department~~ 23104
director, government entity, or private nonprofit entity shall 23105
conduct ~~the~~ an inspection prior to the issuance of a license for 23106
~~the~~ a type B home and, as part of that inspection, ensure that the 23107
type B home is safe and sanitary. 23108

(C)(1) On receipt of an application for licensure as a type B 23109
family day-care home to provide publicly funded child care, the 23110
~~department~~ director shall search the uniform statewide automated 23111
child welfare information system for information concerning any 23112
abuse or neglect report made pursuant to section 2151.421 of the 23113
Revised Code of which the applicant, any other adult residing in 23114
the applicant's home, or a person designated by the applicant to 23115
be an emergency or substitute caregiver for the applicant is the 23116
subject. 23117

(2) The ~~department~~ director shall consider any information ~~it~~ 23118
~~discovers~~ discovered pursuant to division (C)(1) of this section 23119
or that is provided by a public children services agency pursuant 23120
to section 5153.175 of the Revised Code. If the ~~department~~ 23121
director determines that the information, when viewed within the 23122
totality of the circumstances, reasonably leads to the conclusion 23123
that the applicant may directly or indirectly endanger the health, 23124
safety, or welfare of children, the ~~department~~ director shall deny 23125
the application for licensure or revoke the license of a type B 23126
family day-care home. 23127

(D) The director shall investigate and inspect the center, 23128
type A home, or type B home at least once during operation under a 23129
license designated as provisional. If after the investigation and 23130
inspection the director determines that the requirements of this 23131
chapter and rules adopted pursuant to this chapter are met, 23132

subject to division (H) of this section, the director shall issue 23133
a new license to the center or home. 23134

(E) Each license shall state the name of the licensee, the 23135
name of the administrator, the address of the center, type A home, 23136
or licensed type B home, and the license capacity for each age 23137
category of children. The license shall include thereon, in 23138
accordance with sections 5104.015, 5104.017, and 5104.018 of the 23139
Revised Code, the toll-free telephone number to be used by persons 23140
suspecting that the center, type A home, or licensed type B home 23141
has violated a provision of this chapter or rules adopted pursuant 23142
to this chapter. A license is valid only for the licensee, 23143
administrator, address, and license capacity for each age category 23144
of children designated on the license. The license capacity 23145
specified on the license is the maximum number of children in each 23146
age category that may be cared for in the center, type A home, or 23147
licensed type B home at one time. 23148

The center or type A home licensee shall notify the director 23149
when the administrator of the center or home changes. The director 23150
shall amend the current license to reflect a change in an 23151
administrator, if the administrator meets the requirements of this 23152
chapter and rules adopted pursuant to this chapter, or a change in 23153
license capacity for any age category of children as determined by 23154
the director of job and family services. 23155

(F) If the director revokes the license of a center, a type A 23156
home, or a type B home, the director shall not issue another 23157
license to the owner of the center, type A home, or type B home 23158
until five years have elapsed from the date the license is 23159
revoked. 23160

If the director denies an application for a license, the 23161
director shall not accept another application from the applicant 23162
until five years have elapsed from the date the application is 23163
denied. 23164

(G) If during the application for licensure process the 23165
director determines that the license of the owner has been 23166
revoked, the investigation of the center, type A home, or type B 23167
home shall cease. This action does not constitute denial of the 23168
application and may not be appealed under division (H) of this 23169
section. 23170

(H) All actions of the director with respect to licensing 23171
centers, type A homes, or type B homes, refusal to license, and 23172
revocation of a license shall be in accordance with Chapter 119. 23173
of the Revised Code. Any applicant who is denied a license or any 23174
owner whose license is revoked may appeal in accordance with 23175
section 119.12 of the Revised Code. 23176

(I) In no case shall the director issue a license under this 23177
section for a center, type A home, or type B home if the director, 23178
based on documentation provided by the appropriate county 23179
department of job and family services, determines that the 23180
applicant had been certified as a type B family day-care home when 23181
such certifications were issued by county departments prior to 23182
January 1, 2014, that the county department revoked that 23183
certification within the immediately preceding five years, that 23184
the revocation was based on the applicant's refusal or inability 23185
to comply with the criteria for certification, and that the 23186
refusal or inability resulted in a risk to the health or safety of 23187
children. 23188

(J)(1) Except as provided in division (J)(2) of this section, 23189
an administrator of a type B family day-care home that receives a 23190
license pursuant to this section to provide publicly funded child 23191
care is an independent contractor and is not an employee of the 23192
department of job and family services. 23193

(2) For purposes of Chapter 4141. of the Revised Code, 23194
determinations concerning the employment of an administrator of a 23195
type B family day-care home that receives a license pursuant to 23196

this section shall be determined under Chapter 4141. of the 23197
Revised Code. 23198

Sec. 5104.34. (A)(1) Each county department of job and family 23199
services shall implement procedures for making determinations of 23200
eligibility for publicly funded child care. Under those 23201
procedures, the eligibility determination for each applicant shall 23202
be made no later than thirty calendar days from the date the 23203
county department receives a completed application for publicly 23204
funded child care. Each applicant shall be notified promptly of 23205
the results of the eligibility determination. An applicant 23206
aggrieved by a decision or delay in making an eligibility 23207
determination may appeal the decision or delay to the department 23208
of job and family services in accordance with section 5101.35 of 23209
the Revised Code. The due process rights of applicants shall be 23210
protected. 23211

To the extent permitted by federal law, the county department 23212
may make all determinations of eligibility for publicly funded 23213
child care, may contract with child care providers or child care 23214
resource and referral service organizations for the providers or 23215
resource and referral service organizations to make all or any 23216
part of the determinations, and may contract with child care 23217
providers or child care resource and referral service 23218
organizations for the providers or resource and referral service 23219
organizations to collect specified information for use by the 23220
county department in making determinations. If a county department 23221
contracts with a child care provider or a child care resource and 23222
referral service organization for eligibility determinations or 23223
for the collection of information, the contract shall require the 23224
provider or resource and referral service organization to make 23225
each eligibility determination no later than thirty calendar days 23226
from the date the provider or resource and referral organization 23227
receives a completed application that is the basis of the 23228

determination and to collect and transmit all necessary 23229
information to the county department within a period of time that 23230
enables the county department to make each eligibility 23231
determination no later than thirty days after the filing of the 23232
application that is the basis of the determination. 23233

The county department may station employees of the department 23234
in various locations throughout the county to collect information 23235
relevant to applications for publicly funded child care and to 23236
make eligibility determinations. The county department, child care 23237
provider, and child care resource and referral service 23238
organization shall make each determination of eligibility for 23239
publicly funded child care no later than thirty days after the 23240
filing of the application that is the basis of the determination, 23241
shall make each determination in accordance with any relevant 23242
rules adopted pursuant to section 5104.38 of the Revised Code, and 23243
shall notify promptly each applicant for publicly funded child 23244
care of the results of the determination of the applicant's 23245
eligibility. 23246

The director of job and family services shall adopt rules in 23247
accordance with Chapter 119. of the Revised Code for monitoring 23248
the eligibility determination process. In accordance with those 23249
rules, the state department shall monitor eligibility 23250
determinations made by county departments of job and family 23251
services and shall direct any entity that is not in compliance 23252
with this division or any rule adopted under this division to 23253
implement corrective action specified by the department. 23254

(2)(a) All eligibility determinations for publicly funded 23255
child care shall be made in accordance with rules adopted pursuant 23256
to division (A) of section 5104.38 of the Revised Code ~~and, if a~~ 23257
~~county department of job and family services specifies, pursuant~~ 23258
~~to rules adopted under division (B) of that section, a maximum~~ 23259
~~amount of income a family may have to be eligible for publicly~~ 23260

~~funded child care, the income maximum specified by the county~~ 23261
~~department. Publicly Except as otherwise provided in this section,~~ 23262
~~both of the following apply:~~ 23263

(i) Publicly funded child care may be provided only to 23264
eligible infants, toddlers, preschool-age children, and school-age 23265
children under age thirteen. ~~For~~ 23266

(ii) For an applicant to be eligible for publicly funded 23267
child care, the caretaker parent must be employed or participating 23268
in a program of education or training for an amount of time 23269
reasonably related to the time that the parent's children are 23270
receiving publicly funded child care. This restriction does not 23271
apply to families whose children are eligible for protective child 23272
care. 23273

(b) In accordance with rules adopted under division (B) of 23274
section 5104.38 of the Revised Code, an applicant may receive 23275
publicly funded child care while the county department determines 23276
eligibility. An applicant may receive publicly funded child care 23277
while a county department determines eligibility only once during 23278
a twelve-month period. If the county department determines that an 23279
applicant is not eligible for publicly funded child care, the 23280
licensed child care program shall be paid for providing publicly 23281
funded child care for up to five days after that determination if 23282
the county department received a completed application with all 23283
required documentation. A program may appeal a denial of payment 23284
under this division. 23285

(c) If a caretaker parent who has been determined eligible to 23286
receive publicly funded child care no longer meets the 23287
requirements of division (A)(2)(a)(ii) of this section, the 23288
caretaker parent may continue to receive publicly funded child 23289
care for a period of up to thirteen weeks not to extend beyond the 23290
caretaker parent's twelve-month eligibility period. Such 23291
authorization may be given only once during a twelve-month period. 23292

Subject to available funds, ~~a county~~ the department of job 23293
and family services shall allow a family to receive publicly 23294
funded child care unless the family's income exceeds the maximum 23295
income eligibility limit. Initial and continued eligibility for 23296
publicly funded child care is subject to available funds unless 23297
the family is receiving child care pursuant to division (A)(1), 23298
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 23299
~~county~~ department must limit eligibility due to lack of available 23300
funds, it shall give first priority for publicly funded child care 23301
to an assistance group whose income is not more than the maximum 23302
income eligibility limit that received transitional child care in 23303
the previous month but is no longer eligible because the 23304
twelve-month period has expired. Such an assistance group shall 23305
continue to receive priority for publicly funded child care until 23306
its income exceeds the maximum income eligibility limit. 23307

(3) An assistance group that ceases to participate in the 23308
Ohio works first program established under Chapter 5107. of the 23309
Revised Code is eligible for transitional child care at any time 23310
during the immediately following twelve-month period that both of 23311
the following apply: 23312

(a) The assistance group requires child care due to 23313
employment; 23314

(b) The assistance group's income is not more than one 23315
hundred fifty per cent of the federal poverty line. 23316

An assistance group ineligible to participate in the Ohio 23317
works first program pursuant to section 5101.83 or section 5107.16 23318
of the Revised Code is not eligible for transitional child care. 23319

(B) To the extent permitted by federal law, ~~a county~~ the 23320
department of job and family services may require a caretaker 23321
parent determined to be eligible for publicly funded child care to 23322
pay a fee according to the schedule of fees established in rules 23323

adopted under section 5104.38 of the Revised Code. ~~Each county~~ The 23324
department shall make protective child care services available to 23325
children without regard to the income or assets of the caretaker 23326
parent of the child. 23327

(C) A caretaker parent receiving publicly funded child care 23328
shall report to the entity that determined eligibility any changes 23329
in status with respect to employment or participation in a program 23330
of education or training not later than ten calendar days after 23331
the change occurs. 23332

(D) If ~~a county~~ the department of job and family services 23333
determines that available resources are not sufficient to provide 23334
publicly funded child care to all eligible families who request 23335
it, the ~~county~~ department may establish a waiting list. ~~A county~~ 23336
The department may establish separate waiting lists within the 23337
waiting list based on income. ~~When resources become available to~~ 23338
~~provide publicly funded child care to families on the waiting~~ 23339
~~list, a county department that establishes a waiting list shall~~ 23340
~~assess the needs of the next family scheduled to receive publicly~~ 23341
~~funded child care. If the assessment demonstrates that the family~~ 23342
~~continues to need and is eligible for publicly funded child care,~~ 23343
~~the county department shall offer it to the family. If the county~~ 23344
~~department determines that the family is no longer eligible or no~~ 23345
~~longer needs publicly funded child care, the county department~~ 23346
~~shall remove the family from the waiting list.~~ 23347

(E) A caretaker parent shall not receive full-time publicly 23348
funded child care from more than one child care provider per child 23349
during any period. 23350

(F) As used in this section, "maximum income eligibility 23351
limit" means the amount of income specified in rules adopted under 23352
division (A) of section 5104.38 of the Revised Code ~~or, if a~~ 23353
~~county department of job and family services specifies a higher~~ 23354
~~amount pursuant to rules adopted under division (B) of that~~ 23355

~~section, the amount the county department specifies.~~ 23356

Sec. 5104.341. (A) ~~Except as provided in division (B) of this~~ 23357
~~section, both of the following apply:~~ 23358

~~(1)~~ An eligibility determination made under section 5104.34 23359
of the Revised Code for publicly funded child care is valid for 23360
one year. 23361

~~(2).~~ 23362

(B) The county department of job and family services shall 23363
adjust the appropriate level of a fee charged under division (B) 23364
of section 5104.34 of the Revised Code if a caretaker parent 23365
reports changes in income, family size, or both. 23366

~~(B) Division (A) of this section does not apply if the~~ 23367
~~recipient of the publicly funded child care ceases to be eligible~~ 23368
~~for publicly funded child care.~~ 23369

Sec. 5104.38. In addition to any other rules adopted under 23370
this chapter, the director of job and family services shall adopt 23371
rules in accordance with Chapter 119. of the Revised Code 23372
governing financial and administrative requirements for publicly 23373
funded child care and establishing all of the following: 23374

(A) Procedures and criteria to be used in making 23375
determinations of eligibility for publicly funded child care that 23376
give priority to children of families with lower incomes and 23377
procedures and criteria for eligibility for publicly funded 23378
protective child care. The rules shall specify the maximum amount 23379
of income a family may have for initial and continued eligibility. 23380
The maximum amount shall not exceed two hundred per cent of the 23381
federal poverty line. The rules may specify exceptions to the 23382
eligibility requirements in the case of a family that previously 23383
received publicly funded child care and is seeking to have the 23384
child care reinstated after the family's eligibility was 23385

terminated. 23386

(B) ~~Procedures under which a county department of job and family services may, if the department, under division (A) of this section, specifies a maximum amount of income a family may have for eligibility for publicly funded child care that is less than the maximum amount specified in that division, specify a maximum amount of income a family residing in the county the county department serves may have for initial and continued eligibility for publicly funded child care that is higher than the amount specified by the department but does not exceed the maximum amount specified in division (A) of this section~~ an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a licensed child care program may appeal a denial of payment under division (A)(2)(b) of section 5104.34 of the Revised Code; 23387
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(C) A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child care according to income and family size, which shall be uniform for all types of publicly funded child care, except as authorized by rule, and, to the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child care from that provider. The schedule of fees may not provide for a caretaker parent to pay a fee that exceeds ten per cent of the parent's family income. 23402
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(D) A formula for determining the amount of state and federal funds appropriated for publicly funded child care that may be allocated to a county department to use for administrative purposes; 23412
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(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become 23416
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providers of child care;	23418
(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	23419 23420 23421 23422 23423
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	23424 23425
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	23426 23427
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	23428 23429
(J) A definition of "person who stands in loco parentis" for the purposes of division (KK)(1) of section 5104.01 of the Revised Code;	23430 23431 23432
(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;	23433 23434 23435 23436 23437
(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;	23438 23439 23440 23441 23442
(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	23443 23444 23445 23446 23447

program or activity, if the employment or the education or 23448
training program or activity is expected to begin within the 23449
thirty-day period; 23450

(N) Any other rules necessary to carry out sections 5104.30 23451
to 5104.43 of the Revised Code. 23452

Sec. 5119.21. (A) The department of mental health and 23453
addiction services shall: 23454

(1) To the extent the department has available resources and 23455
in consultation with boards of alcohol, drug addiction, and mental 23456
health services, support a the continuum of care in accordance 23457
with Chapter 340. that the boards are required by division (A)(11) 23458
of section 340.03 of the Revised Code to establish. The department 23459
shall provide the support on a district or multi-district basis. 23460
The department shall ~~define the essential elements of a continuum~~ 23461
~~of care, shall~~ assist in identifying resources, and may prioritize 23462
support, for one or more of the elements of the continuum of care. 23463
For the purpose of division (A)(11)(1) of section 340.03 of the 23464
Revised Code and to the extent the department determines is 23465
necessary, the department shall define additional components to be 23466
included in the essential elements of the continuum of care. 23467

(2) Provide training, consultation, and technical assistance 23468
regarding mental health and addiction services and appropriate 23469
prevention, recovery, and mental health promotion activities, 23470
including those that are culturally competent, to employees of the 23471
department, community mental health and addiction services 23472
providers, boards of alcohol, drug addiction, and mental health 23473
services, and other agencies providing mental health and addiction 23474
services; 23475

(3) To the extent the department has available resources, 23476
promote and support a full range of mental health and addiction 23477
services that are available and accessible to all residents of 23478

this state, especially for severely mentally disabled children, 23479
adolescents, adults, pregnant women, parents, guardians or 23480
custodians of children at risk of abuse or neglect, and other 23481
special target populations, including racial and ethnic 23482
minorities, as determined by the department; 23483

(4) Develop standards and measures for evaluating the 23484
effectiveness of mental health and addiction services, including 23485
services that use methadone treatment, of gambling addiction 23486
services, and for increasing the accountability of mental health 23487
and alcohol and addiction services providers and of gambling 23488
addiction services providers; 23489

(5) Design and set criteria for the determination of priority 23490
populations; 23491

(6) Promote, direct, conduct, and coordinate scientific 23492
research, taking ethnic and racial differences into consideration, 23493
concerning the causes and prevention of mental illness and 23494
addiction, methods of providing effective services and treatment, 23495
and means of enhancing the mental health of and recovery from 23496
addiction of all residents of this state; 23497

(7) Foster the establishment and availability of vocational 23498
rehabilitation services and the creation of employment 23499
opportunities for consumers of mental health and addiction 23500
services, including members of racial and ethnic minorities; 23501

(8) Establish a program to protect and promote the rights of 23502
persons receiving mental health and addiction services, including 23503
the issuance of guidelines on informed consent and other rights; 23504

(9) Promote the involvement of persons who are receiving or 23505
have received mental health or addiction services, including 23506
families and other persons having a close relationship to a person 23507
receiving those services, in the planning, evaluation, delivery, 23508
and operation of mental health and addiction services; 23509

(10) Notify and consult with the relevant constituencies that 23510
may be affected by rules, standards, and guidelines issued by the 23511
department of mental health and addiction services. These 23512
constituencies shall include consumers of mental health and 23513
addiction services and their families, and may include public and 23514
private providers, employee organizations, and others when 23515
appropriate. Whenever the department proposes the adoption, 23516
amendment, or rescission of rules under Chapter 119. of the 23517
Revised Code, the notification and consultation required by this 23518
division shall occur prior to the commencement of proceedings 23519
under Chapter 119. The department shall adopt rules under Chapter 23520
119. of the Revised Code that establish procedures for the 23521
notification and consultation required by this division. 23522

(11) Provide consultation to the department of rehabilitation 23523
and correction concerning the delivery of mental health and 23524
addiction services in state correctional institutions. 23525

(12) Promote and coordinate efforts in the provision of 23526
alcohol and drug addiction services and of gambling addiction 23527
services by other state agencies, as defined in section 1.60 of 23528
the Revised Code; courts; hospitals; clinics; physicians in 23529
private practice; public health authorities; boards of alcohol, 23530
drug addiction, and mental health services; alcohol and drug 23531
addiction services providers; law enforcement agencies; gambling 23532
addiction services providers; and related groups; 23533

(13) Provide to each court of record, and biennially update, 23534
a list of the treatment and education programs within that court's 23535
jurisdiction that the court may require an offender, sentenced 23536
pursuant to section 4511.19 of the Revised Code, to attend; 23537

(14) Make the warning sign described in sections 3313.752, 23538
3345.41, and 3707.50 of the Revised Code available on the 23539
department's internet web site; 23540

(15) Provide a program of gambling addiction services on 23541
behalf of the state lottery commission, pursuant to an agreement 23542
entered into with the director of the commission under division 23543
(K) of section 3770.02 of the Revised Code, and provide a program 23544
of gambling addiction services on behalf of the Ohio casino 23545
control commission, under an agreement entered into with the 23546
executive director of the commission under section 3772.062 of the 23547
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 23548
Constitution, the department may enter into agreements with boards 23549
of alcohol, drug addiction, and mental health services, including 23550
boards with districts in which a casino facility is not located, 23551
and nonprofit organizations to provide gambling addiction services 23552
and substance abuse services, and with state institutions of 23553
higher education or private nonprofit institutions that possess a 23554
certificate of authorization issued under Chapter 1713. of the 23555
Revised Code to perform related research. 23556

(B) The department may accept and administer grants from 23557
public or private sources for carrying out any of the duties 23558
enumerated in this section. 23559

(C) Pursuant to Chapter 119. of the Revised Code, the 23560
department shall adopt a rule defining the term "intervention" as 23561
it is used in this chapter in connection with alcohol and drug 23562
addiction services and in connection with gambling addiction 23563
services. The department may adopt other rules as necessary to 23564
implement the requirements of this chapter. 23565

Sec. 5119.22. The director of mental health and addiction 23566
services with respect to all mental health and addiction 23567
facilities and services established and operated or provided under 23568
Chapter 340. of the Revised Code, shall do all of the following: 23569

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 23570
that may be necessary to carry out the purposes of this chapter 23571

and Chapters 340. and 5122. of the Revised Code. 23572

(B) Review and evaluate the continuum of care required by 23573
division (A)(11) of section 340.03 of the Revised Code to be 23574
established in each service district, taking into account the 23575
findings and recommendations of the board of alcohol, drug 23576
addiction, and mental health services of the district submitted 23577
under division (A)(4) of section 340.03 of the Revised Code and 23578
the priorities and plans of the department of mental health and 23579
addiction services, including the needs of residents of the 23580
district currently receiving services in state-operated hospitals, 23581
and make recommendations for needed improvements to boards of 23582
alcohol, drug addiction, and mental health services; 23583

(C) At the director's discretion, provide to boards of 23584
alcohol, drug addiction, and mental health services state or 23585
federal funds, in addition to those allocated under section 23586
5119.23 of the Revised Code, for special programs or projects the 23587
director considers necessary but for which local funds are not 23588
available; 23589

(D) Establish, in consultation with board of alcohol, drug 23590
addiction, and mental health service representatives and after 23591
consideration of the recommendations of the medical director, 23592
guidelines for the development of community mental health and 23593
addiction services plans and the review and approval or 23594
disapproval of such plans submitted pursuant to section 340.03 of 23595
the Revised Code. 23596

(E) Establish criteria by which a board of alcohol, drug 23597
addiction, and mental health services reviews and evaluates the 23598
quality, effectiveness, and efficiency of its contracted services. 23599
The criteria shall include requirements ensuring appropriate 23600
service utilization. The department shall assess a board's 23601
evaluation of services and the compliance of each board with this 23602
section, Chapter 340. of the Revised Code, and other state or 23603

federal law and regulations. The department, in cooperation with 23604
the board, periodically shall review and evaluate the quality, 23605
effectiveness, and efficiency of services provided through each 23606
board. The department shall collect information that is necessary 23607
to perform these functions. 23608

(F) To the extent the director determines necessary and after 23609
consulting with boards of alcohol, drug addiction, and mental 23610
health services and community addiction and mental health services 23611
providers, develop and operate, or contract for the operation of, 23612
a community behavioral health information system or systems. The 23613
department shall specify the information that must be provided by 23614
boards of alcohol, drug addiction, and mental health services and 23615
by community addiction and mental health services providers for 23616
inclusion in the system or systems. 23617

Boards of alcohol, drug addiction, and mental health services 23618
and community addiction and mental health services providers shall 23619
submit information requested by the department in the form and 23620
manner and in accordance with time frames prescribed by the 23621
department. Information collected by the department may include 23622
all of the following: 23623

(1) Information on services provided; 23624

(2) Financial information regarding expenditures of federal, 23625
state, or local funds; 23626

(3) Information about persons served. 23627

The department shall not collect any personal information 23628
from the boards except as required or permitted by state or 23629
federal law for purposes related to payment, health care 23630
operations, program and service evaluation, reporting activities, 23631
research, system administration, and oversight. 23632

(G)(1) Review each board's community mental health and 23633
addiction services plan, budget, and statement of services ~~to be~~ 23634

~~made available~~ submitted pursuant to sections 340.03 and 340.08 of 23635
the Revised Code and approve or disapprove the plan, the budget, 23636
and the statement of services in whole or in part. 23637

The department ~~may~~ shall withhold all or part of the funds 23638
allocated to a board if it disapproves all or part of a plan, 23639
budget, or statement of services. Prior to a final decision to 23640
disapprove a plan, budget, or statement of services, or to 23641
withhold funds from a board, a representative of the director of 23642
mental health and addiction services shall meet with the board and 23643
discuss the reason for the action the department proposes to take 23644
and any corrective action that should be taken to make the plan, 23645
budget, or statement of services acceptable to the department. In 23646
addition, the department shall offer technical assistance to the 23647
board to assist it to make the plan, budget, or statement of 23648
services acceptable. The department shall give the board a 23649
reasonable time in which to revise the plan, budget, or statement 23650
of services. The board thereafter shall submit a revised plan, 23651
budget, or statement of services, or a new plan, budget, or 23652
statement of services. 23653

(2) If a board determines that it is necessary to amend the 23654
plan, budget, or statement of services that has been approved 23655
under this section, the board shall submit the proposed amendment 23656
to the department. The department may approve or disapprove all or 23657
part of the amendment. 23658

(3) If the director disapproves of all or part of any 23659
proposed amendment, the director shall provide the board an 23660
opportunity to present its position. The director shall inform the 23661
board of the reasons for the disapproval and of the criteria that 23662
must be met before the proposed amendment may be approved. The 23663
director shall give the board a reasonable time within which to 23664
meet the criteria and shall offer technical assistance to the 23665
board to help it meet the criteria. 23666

(4) The department shall establish procedures for the review of plans, budgets, and statements of services, and a timetable for submission and review of plans, budgets, and statements of services and for corrective action and submission of new or revised plans, budgets, and statements of services.

Sec. 5119.25. (A) The director of mental health and addiction services, in whole or in part, may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if the board fails to comply with Chapter 340. or section 5119.22, 5119.24, 5119.36, or 5119.371 of the Revised Code or rules of the department of mental health and addiction services. However, the director shall withhold all such funds from the board when required to do so under division (A)(4) of section 340.08 of the Revised Code or division (G)(1) of section 5119.22 of the Revised Code.

(B) The director of mental health and addiction services may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if the board denies available service on the basis of race, color, religion, creed, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(C) The director shall issue a notice identifying the areas of noncompliance and the action necessary to achieve compliance. The director may offer technical assistance to the board to achieve compliance. The board shall have ~~ten~~ thirty days from receipt of the notice of noncompliance to present its position that it is in compliance or to submit to the director evidence of corrective action the board took to achieve compliance. Before withholding funds, the director or the director's designee shall

hold a hearing within ~~ten~~ thirty days of receipt of the board's 23698
position or evidence to determine if there are continuing 23699
violations and that either assistance is rejected or the board is 23700
unable, or has failed, to achieve compliance. The director may 23701
appoint a representative from another board of alcohol, drug 23702
addiction, and mental health services to serve as a mentor for the 23703
board in developing and executing a plan of corrective action to 23704
achieve compliance. Any such representative shall be from a board 23705
that is in compliance with Chapter 340. of the Revised Code, 23706
sections 5119.22, 5119.24, 5119.36, and 5119.371 of the Revised 23707
Code, and the department's rules. Subsequent to the hearing 23708
process, if it is determined that compliance has not been 23709
achieved, the director may allocate all or part of the withheld 23710
funds to ~~a public or private agency~~ one or more community mental 23711
health services providers or community addiction services 23712
providers to provide the community mental health or community 23713
addiction service for which the board is not in compliance until 23714
the time that there is compliance. The director ~~may~~ shall adopt 23715
rules in accordance with Chapter 119. of the Revised Code to 23716
implement this section. 23717

Sec. 5119.362. (A) In accordance with rules adopted under 23718
section 5119.363 of the Revised Code, each community addiction 23719
services provider shall do all of the following: 23720

(1) Maintain, in an aggregate form, a waiting list of 23721
individuals to whom all of the following apply: 23722

(a) The individual has been documented as having a clinical 23723
need for alcohol and drug addiction services due to an opioid or 23724
co-occurring drug addiction. 23725

(b) The individual has applied to the provider for a 23726
clinically necessary treatment or support service required by 23727
division (A)(11)(c)(ix) of section 340.03 of the Revised Code to 23728

be included in the continuum of care established under that 23729
section. 23730

(c) The individual has not begun to receive the clinically 23731
necessary treatment or support service within five days of the 23732
individual's application for the service because the provider 23733
lacks an available slot for the individual. 23734

(2) Notify an individual included on the provider's waiting 23735
list when the provider has a slot available for the individual 23736
and, if the individual does not contact the provider about the 23737
slot within a period of time specified in the rules, contact the 23738
individual to determine why the individual did not contact the 23739
provider and to assess whether the individual still needs the 23740
treatment or support service; 23741

(3) Subject to divisions (B) and (C) of this section, report 23742
all of the following information each month to the board of 23743
alcohol, drug addiction, and mental health services that serves 23744
the county or counties in which the provider provides alcohol and 23745
drug addiction services: 23746

(a) An unduplicated count of all individuals who reside in a 23747
county that the board serves and were included on the provider's 23748
waiting list as of the last day of the immediately preceding month 23749
and each type of treatment and support service for which they were 23750
waiting; 23751

(b) The total number of days all such individuals had been on 23752
the provider's waiting list as of the last day of the immediately 23753
preceding month; 23754

(c) The last known types of residential settings in which all 23755
such individuals resided as of the last day of the immediately 23756
preceding month; 23757

(d) The number of all such individuals who did not contact 23758
the provider after receiving, during the immediately preceding 23759

month, the notices under division (A)(2) of this section about the 23760
provider having slots available for the individuals, and the 23761
reasons the contacts were not made; 23762

(e) The number of all such individuals who withdrew, in the 23763
immediately preceding month, their applications for the treatment 23764
and support services, each type of service for which those 23765
individuals had applied, and the reasons the applications were 23766
withdrawn; 23767

(f) All other information specified in the rules. 23768

(B) If a community addiction services provider provides 23769
alcohol and drug addiction services in more than one county and 23770
those counties are served by different boards of alcohol, drug 23771
addiction, and mental health services, the provider shall provide 23772
separate reports under division (C)(3) of this section to each of 23773
the boards serving the counties in which the provider provides the 23774
services. The report provided to a board shall be specific to the 23775
county or counties the board serves and not include information 23776
for individuals residing in other counties. 23777

(C) Each report that a community addiction services provider 23778
provides to a board of alcohol, drug addiction, and mental health 23779
services under this section shall do all of the following: 23780

(1) Maintain the confidentiality of all individuals for whom 23781
information is included in the report; 23782

(2) For the purpose of the information reported under 23783
division (A)(3)(c) of this section, identify the types of 23784
residential settings at least as either institutional or 23785
noninstitutional; 23786

(3) If the report is provided to a board that serves more 23787
than one county, present the information included in the report in 23788
a manner that is broken down for each of the counties the board 23789
serves. 23790

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.

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.

Sec. 5119.365. 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:

(A) Streamline the intake procedures used by a community addiction services provider accepting and beginning to serve a new patient, including procedures regarding intake forms and questionnaires;

(B) 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.

Sec. 5122.36. If the legal residence of a person suffering from mental illness is in another county of the state, the

necessary expense of the person's return is a proper charge 23820
against the county of legal residence. If an adjudication and 23821
order of hospitalization by the probate court of the county of 23822
temporary residence are required, the regular probate court fees 23823
and expenses incident to the order of hospitalization under this 23824
chapter and any other expense incurred on the person's behalf 23825
shall be charged to and paid by the county of the person's legal 23826
residence upon the approval and certification of the probate judge 23827
of that county. The ordering court shall send to the probate court 23828
of the person's county of legal residence a certified transcript 23829
of all proceedings had in the ordering court. The receiving court 23830
shall enter and record the transcript. The certified transcript is 23831
prima facie evidence of the residence of the person. When the 23832
residence of the person cannot be established as represented by 23833
the ordering court, the matter of residence shall be referred to 23834
the department of mental health and addiction services for 23835
investigation and determination. 23836

Sec. 5123.01. As used in this chapter: 23837

(A) "Chief medical officer" means the licensed physician 23838
appointed by the managing officer of an institution for the 23839
mentally retarded with the approval of the director of 23840
developmental disabilities to provide medical treatment for 23841
residents of the institution. 23842

(B) "Chief program director" means a person with special 23843
training and experience in the diagnosis and management of the 23844
mentally retarded, certified according to division (C) of this 23845
section in at least one of the designated fields, and appointed by 23846
the managing officer of an institution for the mentally retarded 23847
with the approval of the director to provide habilitation and care 23848
for residents of the institution. 23849

(C) "Comprehensive evaluation" means a study, including a 23850
sequence of observations and examinations, of a person leading to 23851
conclusions and recommendations formulated jointly, with 23852
dissenting opinions if any, by a group of persons with special 23853
training and experience in the diagnosis and management of persons 23854
with mental retardation or a developmental disability, which group 23855
shall include individuals who are professionally qualified in the 23856
fields of medicine, psychology, and social work, together with 23857
such other specialists as the individual case may require. 23858

(D) "Education" means the process of formal training and 23859
instruction to facilitate the intellectual and emotional 23860
development of residents. 23861

(E) "Habilitation" means the process by which the staff of 23862
the institution assists the resident in acquiring and maintaining 23863
those life skills that enable the resident to cope more 23864
effectively with the demands of the resident's own person and of 23865
the resident's environment and in raising the level of the 23866
resident's physical, mental, social, and vocational efficiency. 23867
Habilitation includes but is not limited to programs of formal, 23868
structured education and training. 23869

(F) "Health officer" means any public health physician, 23870
public health nurse, or other person authorized or designated by a 23871
city or general health district. 23872

(G) "Home and community-based services" means medicaid-funded 23873
home and community-based services specified in division (A)(1) of 23874
section 5166.20 of the Revised Code provided under the medicaid 23875
waiver components the department of developmental disabilities 23876
administers pursuant to section 5166.21 of the Revised Code. 23877
Except as provided in section 5123.0412 of the Revised Code, home 23878
and community-based services provided under the medicaid waiver 23879
component known as the transitions developmental disabilities 23880
waiver are to be considered to be home and community-based 23881

services for the purposes of this chapter, and Chapters 5124. and 23882
5126. of the Revised Code, only to the extent, if any, provided by 23883
the contract required by section 5166.21 of the Revised Code 23884
regarding the waiver. 23885

(H) "ICF/IID" has the same meaning as in section 5124.01 of 23886
the Revised Code. 23887

(I) "Indigent person" means a person who is unable, without 23888
substantial financial hardship, to provide for the payment of an 23889
attorney and for other necessary expenses of legal representation, 23890
including expert testimony. 23891

(J) "Institution" means a public or private facility, or a 23892
part of a public or private facility, that is licensed by the 23893
appropriate state department and is equipped to provide 23894
residential habilitation, care, and treatment for the mentally 23895
retarded. 23896

(K) "Licensed physician" means a person who holds a valid 23897
certificate issued under Chapter 4731. of the Revised Code 23898
authorizing the person to practice medicine and surgery or 23899
osteopathic medicine and surgery, or a medical officer of the 23900
government of the United States while in the performance of the 23901
officer's official duties. 23902

(L) "Managing officer" means a person who is appointed by the 23903
director of developmental disabilities to be in executive control 23904
of an institution for the mentally retarded under the jurisdiction 23905
of the department. 23906

(M) "Medicaid case management services" means case management 23907
services provided to an individual with mental retardation or 23908
other developmental disability that the state medicaid plan 23909
requires. 23910

(N) "Mentally retarded person" means a person having 23911
significantly subaverage general intellectual functioning existing 23912

concurrently with deficiencies in adaptive behavior, manifested 23913
during the developmental period. 23914

(O) "Mentally retarded person subject to institutionalization 23915
by court order" means a person eighteen years of age or older who 23916
is at least moderately mentally retarded and in relation to whom, 23917
because of the person's retardation, either of the following 23918
conditions exist: 23919

(1) The person represents a very substantial risk of physical 23920
impairment or injury to self as manifested by evidence that the 23921
person is unable to provide for and is not providing for the 23922
person's most basic physical needs and that provision for those 23923
needs is not available in the community; 23924

(2) The person needs and is susceptible to significant 23925
habilitation in an institution. 23926

(P) "A person who is at least moderately mentally retarded" 23927
means a person who is found, following a comprehensive evaluation, 23928
to be impaired in adaptive behavior to a moderate degree and to be 23929
functioning at the moderate level of intellectual functioning in 23930
accordance with standard measurements as recorded in the most 23931
current revision of the manual of terminology and classification 23932
in mental retardation published by the American association on 23933
mental retardation. 23934

(Q) As used in this division, ~~"substantial functional~~ 23935
~~limitation,"~~ "developmental delay," and ~~"established risk"~~ have 23936
has the ~~meanings~~ meaning established pursuant to section 5123.011 23937
of the Revised Code. 23938

"Developmental disability" means a severe, chronic disability 23939
that is characterized by all of the following: 23940

(1) It is attributable to a mental or physical impairment or 23941
a combination of mental and physical impairments, other than a 23942
mental or physical impairment solely caused by mental illness as 23943

defined in division (A) of section 5122.01 of the Revised Code.	23944
(2) It is manifested before age twenty-two.	23945
(3) It is likely to continue indefinitely.	23946
(4) It results in one of the following:	23947
(a) In the case of a person under three years of age, at	23948
least one developmental delay or an established risk <u>a diagnosed</u>	23949
<u>physical or mental condition that has a high probability of</u>	23950
<u>resulting in a developmental delay;</u>	23951
(b) In the case of a person at least three years of age but	23952
under six years of age, at least two developmental delays or an	23953
established risk;	23954
(c) In the case of a person six years of age or older, a	23955
substantial functional limitation in at least three of the	23956
following areas of major life activity, as appropriate for the	23957
person's age: self-care, receptive and expressive language,	23958
learning, mobility, self-direction, capacity for independent	23959
living, and, if the person is at least sixteen years of age,	23960
capacity for economic self-sufficiency.	23961
(5) It causes the person to need a combination and sequence	23962
of special, interdisciplinary, or other type of care, treatment,	23963
or provision of services for an extended period of time that is	23964
individually planned and coordinated for the person.	23965
(R) "Developmentally disabled person" means a person with a	23966
developmental disability.	23967
(S) "State institution" means an institution that is	23968
tax-supported and under the jurisdiction of the department.	23969
(T) "Residence" and "legal residence" have the same meaning	23970
as "legal settlement," which is acquired by residing in Ohio for a	23971
period of one year without receiving general assistance prior to	23972
July 17, 1995, under former Chapter 5113. of the Revised Code,	23973

financial assistance under Chapter 5115. of the Revised Code, or 23974
assistance from a private agency that maintains records of 23975
assistance given. A person having a legal settlement in the state 23976
shall be considered as having legal settlement in the assistance 23977
area in which the person resides. No adult person coming into this 23978
state and having a spouse or minor children residing in another 23979
state shall obtain a legal settlement in this state as long as the 23980
spouse or minor children are receiving public assistance, care, or 23981
support at the expense of the other state or its subdivisions. For 23982
the purpose of determining the legal settlement of a person who is 23983
living in a public or private institution or in a home subject to 23984
licensing by the department of job and family services, the 23985
department of mental health and addiction services, or the 23986
department of developmental disabilities, the residence of the 23987
person shall be considered as though the person were residing in 23988
the county in which the person was living prior to the person's 23989
entrance into the institution or home. Settlement once acquired 23990
shall continue until a person has been continuously absent from 23991
Ohio for a period of one year or has acquired a legal residence in 23992
another state. A woman who marries a man with legal settlement in 23993
any county immediately acquires the settlement of her husband. The 23994
legal settlement of a minor is that of the parents, surviving 23995
parent, sole parent, parent who is designated the residential 23996
parent and legal custodian by a court, other adult having 23997
permanent custody awarded by a court, or guardian of the person of 23998
the minor, provided that: 23999

(1) A minor female who marries shall be considered to have 24000
the legal settlement of her husband and, in the case of death of 24001
her husband or divorce, she shall not thereby lose her legal 24002
settlement obtained by the marriage. 24003

(2) A minor male who marries, establishes a home, and who has 24004
resided in this state for one year without receiving general 24005

assistance prior to July 17, 1995, under former Chapter 5113. of 24006
the Revised Code, financial assistance under Chapter 5115. of the 24007
Revised Code, or assistance from a private agency that maintains 24008
records of assistance given shall be considered to have obtained a 24009
legal settlement in this state. 24010

(3) The legal settlement of a child under eighteen years of 24011
age who is in the care or custody of a public or private child 24012
caring agency shall not change if the legal settlement of the 24013
parent changes until after the child has been in the home of the 24014
parent for a period of one year. 24015

No person, adult or minor, may establish a legal settlement 24016
in this state for the purpose of gaining admission to any state 24017
institution. 24018

(U)(1) "Resident" means, subject to division (U)(2) of this 24019
section, a person who is admitted either voluntarily or 24020
involuntarily to an institution or other facility pursuant to 24021
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 24022
Code subsequent to a finding of not guilty by reason of insanity 24023
or incompetence to stand trial or under this chapter who is under 24024
observation or receiving habilitation and care in an institution. 24025

(2) "Resident" does not include a person admitted to an 24026
institution or other facility under section 2945.39, 2945.40, 24027
2945.401, or 2945.402 of the Revised Code to the extent that the 24028
reference in this chapter to resident, or the context in which the 24029
reference occurs, is in conflict with any provision of sections 24030
2945.37 to 2945.402 of the Revised Code. 24031

(V) "Respondent" means the person whose detention, 24032
commitment, or continued commitment is being sought in any 24033
proceeding under this chapter. 24034

(W) "Working day" and "court day" mean Monday, Tuesday, 24035
Wednesday, Thursday, and Friday, except when such day is a legal 24036

holiday. 24037

(X) "Prosecutor" means the prosecuting attorney, village 24038
solicitor, city director of law, or similar chief legal officer 24039
who prosecuted a criminal case in which a person was found not 24040
guilty by reason of insanity, who would have had the authority to 24041
prosecute a criminal case against a person if the person had not 24042
been found incompetent to stand trial, or who prosecuted a case in 24043
which a person was found guilty. 24044

(Y) "Court" means the probate division of the court of common 24045
pleas. 24046

(Z) "Supported living" and "residential services" have the 24047
same meanings as in section 5126.01 of the Revised Code. 24048

Sec. 5123.011. The director of developmental disabilities 24049
shall adopt rules in accordance with Chapter 119. of the Revised 24050
Code ~~that establish definitions of "substantial functional~~ 24051
~~limitation,"~~ to do both of the following: 24052

(A) Define "developmental delay," ~~"established risk,"~~ 24053
~~"biological risk," and "environmental risk."~~; 24054

(B) For the purpose of division (O)(4)(c) of section 5123.01 24055
and division (F)(4)(c) of section 5126.01 of the Revised Code, 24056
specify how to determine whether a person six years of age or 24057
older has a substantial functional limitation in a major life 24058
activity as appropriate for the person's age. 24059

Sec. 5123.012. (A) As used in this section+ 24060

~~(1) "Biological risk" and "environmental risk" have the~~ 24061
~~meanings established pursuant to section 5123.011 of the Revised~~ 24062
~~Code.~~ 24063

~~(2) "Preschool,~~ "preschool child with a disability" has the 24064
same meaning as in section 3323.01 of the Revised Code. 24065

(B) Except as provided in division (C) of this section, the department of developmental disabilities shall make eligibility determinations in accordance with the definition of "developmental disability" in section 5123.01 of the Revised Code. The department may adopt rules in accordance with Chapter 119. of the Revised Code establishing eligibility for programs and services for ~~either of the following:~~

~~(1) Individuals under age six who have a biological risk or environmental risk of a developmental delay;~~

~~(2) Any any preschool child with a disability eligible for services under section 3323.02 of the Revised Code whose disability is not attributable solely to mental illness as defined in section 5122.01 of the Revised Code.~~

(C)(1) The department shall make determinations of eligibility for protective services in accordance with sections 5123.55 to 5123.59 of the Revised Code.

(2) Determinations of whether a mentally retarded person is subject to institutionalization by court order shall be made in accordance with sections 5123.71 to 5123.76 of the Revised Code and shall be based on the definition of "mentally retarded person subject to institutionalization by court order" in section 5123.01 of the Revised Code.

(3) All persons who were eligible for services and enrolled in programs offered by the department of developmental disabilities pursuant to this chapter on July 1, 1991, shall continue to be eligible for those services and to be enrolled in those programs as long as they are in need of services.

Sec. 5123.0420. As used in this section, "evidence-based intervention" means a prevention or treatment service that has been demonstrated through scientific evaluation to produce a

positive outcome. 24096

The department of developmental disabilities shall establish 24097
a voluntary training and certification program for individuals who 24098
provide evidence-based interventions to individuals with an autism 24099
spectrum disorder. The department shall administer the program or 24100
contract with a person or other government entity to administer 24101
the program. The program shall not conflict with or duplicate any 24102
other certification or licensure process administered by the 24103
state. 24104

The director of developmental disabilities may adopt rules as 24105
necessary to implement this section. If the director adopts rules, 24106
the rules shall be adopted in accordance with Chapter 119. of the 24107
Revised Code. 24108

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.1610 of 24109
the Revised Code: 24110

(1) "Applicant" means any of the following: 24111

(a) The chief executive officer of a business that applies 24112
under section 5123.161 of the Revised Code for a certificate to 24113
provide supported living; 24114

(b) The chief executive officer of a business that seeks 24115
renewal of the business's supported living certificate under 24116
section 5123.164 of the Revised Code; 24117

(c) An individual who applies under section 5123.161 of the 24118
Revised Code for a certificate to provide supported living as an 24119
independent provider; 24120

(d) An independent provider who seeks renewal of the 24121
independent provider's supported living certificate under section 24122
5123.164 of the Revised Code. 24123

(2)(a) "Business" means ~~either of the following:~~ 24124

(i) An <u>an</u> association, corporation, nonprofit organization,	24125
partnership, trust, or other group of persons +	24126
(ii) An individual who employs, directly or through contract,	24127
one or more other individuals to provide supported living.	24128
(b). "Business" does not mean an independent provider.	24129
(3) "Criminal records check" has the same meaning as in	24130
section 109.572 of the Revised Code.	24131
(4) "Disqualifying offense" means any of the offenses listed	24132
or described in divisions (A)(3)(a) to (e) of section 109.572 of	24133
the Revised Code.	24134
(5) "Independent provider" means a provider who provides	24135
supported living on a self-employed basis and does not employ,	24136
directly or through contract, another individual <u>person</u> to provide	24137
the supported living.	24138
(6) "Provider" means a person or government entity certified	24139
by the director of developmental disabilities to provide supported	24140
living. <u>For the purpose of division (A)(8) of this section,</u>	24141
<u>"provider" includes a person or government entity that seeks or</u>	24142
<u>previously held a certificate to provide supported living.</u>	24143
(7) "Minor drug possession offense" has the same meaning as	24144
in section 2925.01 of the Revised Code.	24145
(8) "Related party" means any of the following:	24146
(a) In the case of a provider who is an individual, any of	24147
the following:	24148
(i) The spouse of the provider;	24149
(ii) A parent or stepparent of the provider or provider's	24150
spouse;	24151
(iii) A child of the provider or provider's spouse;	24152
(iv) A sibling, half sibling, or stepsibling of the provider	24153

or provider's spouse;	24154
(v) A grandparent of the provider or provider's spouse;	24155
(vi) A grandchild of the provider or provider's spouse;	24156
(vii) An employee or employer of the provider or provider's	24157
spouse.	24158
(b) In the case of a provider that is a person other than an	24159
individual, any of the following:	24160
(i) An employee of the person <u>Any person or government entity</u>	24161
<u>that directly or indirectly controls the provider's day-to-day</u>	24162
<u>operations (including as a general manager, business manager,</u>	24163
<u>financial manager, administrator, or director), regardless of</u>	24164
<u>whether the person or government entity exercises the control</u>	24165
<u>pursuant to a contract or other arrangement and regardless of</u>	24166
<u>whether the person or government entity is required to file an</u>	24167
<u>Internal Revenue Code form W-2 for the provider;</u>	24168
(ii) An officer of the provider, including the chief	24169
executive officer, president, vice-president, secretary, and	24170
treasurer;	24171
(iii) A member of the provider's board of directors or	24172
trustees;	24173
(iv) A person owning a financial interest of five per cent or	24174
more in the provider, <u>including a direct, indirect, security, or</u>	24175
<u>mortgage financial interest;</u>	24176
(v) A corporation that has a subsidiary relationship with the	24177
provider;	24178
(vi) A person or government entity that has control over the	24179
provider's day to day operation;	24180
(vii) The spouse, parent, stepparent, child, sibling, half	24181
sibling, stepsibling, grandparent, or grandchild of any of the	24182
persons specified in divisions (A)(8)(b)(i) to (iv) of this	24183

<u>section;</u>	24184
(vi) A person over which the provider has control of the day-to-day operation;	24185 24186
(vii) <u>A corporation that has a subsidiary relationship with the provider.</u>	24187 24188
(c) In the case of a provider that is a government entity, any of the following:	24189 24190
(i) An employee of the provider <u>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>	24191 24192 24193 24194 24195 24196
(ii) An officer of the provider;	24197
(iii) A member of the provider's governing board;	24198
(iv) A government entity that has control over the provider's day-to-day operation;	24199 24200
(v) A person or government entity over which the provider has control of the day-to-day operation.	24201 24202
(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.	24203 24204 24205
(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.	24206 24207 24208
Sec. 5123.162. (A) The director of developmental disabilities may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director	24209 24210 24211 24212

may also conduct surveys of providers to determine whether the
providers continue to meet the certification standards. The
director may assign to a county board of developmental
disabilities the responsibility to conduct either type of survey.
Each survey shall ~~conduct the surveys~~ be conducted in accordance
with rules adopted under section 5123.1610 of the Revised Code.

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(B) Following each survey of a provider, the director shall
issue a report listing the date of the survey, any citations
issued as a result of the survey, and the statutes or rules that
purportedly have been violated and are the bases of the citations.
The director shall also do both of the following:

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(1) Specify a date by which the provider may appeal any of
the citations;

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(2) When appropriate, specify a timetable within which the
provider must submit a plan of correction describing how the
problems specified in the citations will be corrected and the date
by which the provider anticipates the problems will be corrected.

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(C) If the director initiates a proceeding to revoke a
provider's certification, the director shall include the report
required by division (B) of this section with the notice of the
proposed revocation the director sends to the provider. In this
circumstance, the provider may not submit a plan of correction.

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(D) After a plan of correction is submitted, the director
shall approve or disapprove the plan. If the plan of correction is
approved, a copy of the approved plan shall be provided, not later
than five business days after it is approved, to any person or
government entity that requests it and made available on the
internet web site maintained by the department of developmental
disabilities. If the plan of correction is not approved and the
director initiates a proceeding to revoke the provider's

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certification, a copy of the survey report shall be provided to 24244
any person or government entity that requests it and shall be made 24245
available on the internet web site maintained by the department. 24246

The (E) In addition to survey reports described in this 24247
section, all other records of associated with surveys conducted 24248
under this section are public records for the purpose of section 24249
149.43 of the Revised Code and shall be made available on the 24250
request of any person or government entity. 24251

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 24252
the Revised Code: 24253

(1) "Independent living arrangement" means an arrangement in 24254
which a mentally retarded or developmentally disabled person 24255
resides in an individualized setting chosen by the person or the 24256
person's guardian, which is not dedicated principally to the 24257
provision of residential services for mentally retarded or 24258
developmentally disabled persons, and for which no financial 24259
support is received for rendering such service from any 24260
governmental agency by a provider of residential services. 24261

(2) "Licensee" means the person or government agency that has 24262
applied for a license to operate a residential facility and to 24263
which the license was issued under this section. 24264

(3) "Political subdivision" means a municipal corporation, 24265
county, or township. 24266

(4) "Related party" has the same meaning as in section 24267
5123.16 of the Revised Code except that "provider" as used in the 24268
definition of "related party" means a person or government entity 24269
that held or applied for a license to operate a residential 24270
facility, rather than a person or government entity certified to 24271
provide supported living. 24272

(5)(a) Except as provided in division (A)(5)(b) of this 24273

section, "residential facility" means a home or facility, 24274
including an ICF/IID, in which an individual with mental 24275
retardation or a developmental disability resides. 24276

(b) "Residential facility" does not mean any of the 24277
following: 24278

(i) The home of a relative or legal guardian in which an 24279
individual with mental retardation or a developmental disability 24280
resides; 24281

(ii) A respite care home certified under section 5126.05 of 24282
the Revised Code; 24283

(iii) A county home or district home operated pursuant to 24284
Chapter 5155. of the Revised Code; 24285

(iv) A dwelling in which the only residents with mental 24286
retardation or developmental disabilities are in independent 24287
living arrangements or are being provided supported living. 24288

(B) Every person or government agency desiring to operate a 24289
residential facility shall apply for licensure of the facility to 24290
the director of developmental disabilities unless the residential 24291
facility is subject to section 3721.02, 5103.03, 5119.33, or 24292
division (A)(9)(b) of section 5119.34 of the Revised Code. 24293

(C) Subject to section 5123.196 of the Revised Code, the 24294
director of developmental disabilities shall license the operation 24295
of residential facilities. An initial license shall be issued for 24296
a period that does not exceed one year, unless the director denies 24297
the license under division (D) of this section. A license shall be 24298
renewed for a period that does not exceed three years, unless the 24299
director refuses to renew the license under division (D) of this 24300
section. The director, when issuing or renewing a license, shall 24301
specify the period for which the license is being issued or 24302
renewed. A license remains valid for the length of the licensing 24303
period specified by the director, unless the license is 24304

terminated, revoked, or voluntarily surrendered. 24305

(D) If it is determined that an applicant or licensee is not 24306
in compliance with a provision of this chapter that applies to 24307
residential facilities or the rules adopted under such a 24308
provision, the director may deny issuance of a license, refuse to 24309
renew a license, terminate a license, revoke a license, issue an 24310
order for the suspension of admissions to a facility, issue an 24311
order for the placement of a monitor at a facility, issue an order 24312
for the immediate removal of residents, or take any other action 24313
the director considers necessary consistent with the director's 24314
authority under this chapter regarding residential facilities. In 24315
the director's selection and administration of the sanction to be 24316
imposed, all of the following apply: 24317

(1) The director may deny, refuse to renew, or revoke a 24318
license, if the director determines that the applicant or licensee 24319
has demonstrated a pattern of serious noncompliance or that a 24320
violation creates a substantial risk to the health and safety of 24321
residents of a residential facility. 24322

(2) The director may terminate a license if more than twelve 24323
consecutive months have elapsed since the residential facility was 24324
last occupied by a resident or a notice required by division (K) 24325
of this section is not given. 24326

(3) The director may issue an order for the suspension of 24327
admissions to a facility for any violation that may result in 24328
sanctions under division (D)(1) of this section and for any other 24329
violation specified in rules adopted under division (H)(2) of this 24330
section. If the suspension of admissions is imposed for a 24331
violation that may result in sanctions under division (D)(1) of 24332
this section, the director may impose the suspension before 24333
providing an opportunity for an adjudication under Chapter 119. of 24334
the Revised Code. The director shall lift an order for the 24335
suspension of admissions when the director determines that the 24336

violation that formed the basis for the order has been corrected. 24337

(4) The director may order the placement of a monitor at a 24338
residential facility for any violation specified in rules adopted 24339
under division (H)(2) of this section. The director shall lift the 24340
order when the director determines that the violation that formed 24341
the basis for the order has been corrected. 24342

(5) If the director determines that two or more residential 24343
facilities owned or operated by the same person or government 24344
entity are not being operated in compliance with a provision of 24345
this chapter that applies to residential facilities or the rules 24346
adopted under such a provision, and the director's findings are 24347
based on the same or a substantially similar action, practice, 24348
circumstance, or incident that creates a substantial risk to the 24349
health and safety of the residents, the director shall conduct a 24350
survey as soon as practicable at each residential facility owned 24351
or operated by that person or government entity. The director may 24352
take any action authorized by this section with respect to any 24353
facility found to be operating in violation of a provision of this 24354
chapter that applies to residential facilities or the rules 24355
adopted under such a provision. 24356

(6) When the director initiates license revocation 24357
proceedings, no opportunity for submitting a plan of correction 24358
shall be given. The director shall notify the licensee by letter 24359
of the initiation of the proceedings. The letter shall list the 24360
deficiencies of the residential facility and inform the licensee 24361
that no plan of correction will be accepted. The director shall 24362
also send a copy of the letter to the county board of 24363
developmental disabilities. The county board shall send a copy of 24364
the letter to each of the following: 24365

(a) Each resident who receives services from the licensee; 24366

(b) The guardian of each resident who receives services from 24367

the licensee if the resident has a guardian; 24368

(c) The parent or guardian of each resident who receives 24369
services from the licensee if the resident is a minor. 24370

(7) Pursuant to rules which shall be adopted in accordance 24371
with Chapter 119. of the Revised Code, the director may order the 24372
immediate removal of residents from a residential facility 24373
whenever conditions at the facility present an immediate danger of 24374
physical or psychological harm to the residents. 24375

(8) In determining whether a residential facility is being 24376
operated in compliance with a provision of this chapter that 24377
applies to residential facilities or the rules adopted under such 24378
a provision, or whether conditions at a residential facility 24379
present an immediate danger of physical or psychological harm to 24380
the residents, the director may rely on information obtained by a 24381
county board of developmental disabilities or other governmental 24382
agencies. 24383

(9) In proceedings initiated to deny, refuse to renew, or 24384
revoke licenses, the director may deny, refuse to renew, or revoke 24385
a license regardless of whether some or all of the deficiencies 24386
that prompted the proceedings have been corrected at the time of 24387
the hearing. 24388

(E) The director shall establish a program under which public 24389
notification may be made when the director has initiated license 24390
revocation proceedings or has issued an order for the suspension 24391
of admissions, placement of a monitor, or removal of residents. 24392
The director shall adopt rules in accordance with Chapter 119. of 24393
the Revised Code to implement this division. The rules shall 24394
establish the procedures by which the public notification will be 24395
made and specify the circumstances for which the notification must 24396
be made. The rules shall require that public notification be made 24397
if the director has taken action against the facility in the 24398

eighteen-month period immediately preceding the director's latest 24399
action against the facility and the latest action is being taken 24400
for the same or a substantially similar violation of a provision 24401
of this chapter that applies to residential facilities or the 24402
rules adopted under such a provision. The rules shall specify a 24403
method for removing or amending the public notification if the 24404
director's action is found to have been unjustified or the 24405
violation at the residential facility has been corrected. 24406

(F)(1) Except as provided in division (F)(2) of this section, 24407
appeals from proceedings initiated to impose a sanction under 24408
division (D) of this section shall be conducted in accordance with 24409
Chapter 119. of the Revised Code. 24410

(2) Appeals from proceedings initiated to order the 24411
suspension of admissions to a facility shall be conducted in 24412
accordance with Chapter 119. of the Revised Code, unless the order 24413
was issued before providing an opportunity for an adjudication, in 24414
which case all of the following apply: 24415

(a) The licensee may request a hearing not later than ten 24416
days after receiving the notice specified in section 119.07 of the 24417
Revised Code. 24418

(b) If a timely request for a hearing that includes the 24419
licensee's current address is made, the hearing shall commence not 24420
later than thirty days after the department receives the request. 24421

(c) After commencing, the hearing shall continue 24422
uninterrupted, except for Saturdays, Sundays, and legal holidays, 24423
unless other interruptions are agreed to by the licensee and the 24424
director. 24425

(d) If the hearing is conducted by a hearing examiner, the 24426
hearing examiner shall file a report and recommendations not later 24427
than ten days after the last of the following: 24428

(i) The close of the hearing; 24429

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 24430
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 24432
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(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed. 24434
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(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations. 24438
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations. 24441
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(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected. 24445
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(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation. 24449
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(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those 24457
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for other residential facilities. The rules shall establish and	24461
specify the following:	24462
(1) Procedures and criteria for issuing and renewing	24463
licenses, including procedures and criteria for determining the	24464
length of the licensing period that the director must specify for	24465
each license when it is issued or renewed;	24466
(2) Procedures and criteria for denying, refusing to renew,	24467
terminating, and revoking licenses and for ordering the suspension	24468
of admissions to a facility, placement of a monitor at a facility,	24469
and the immediate removal of residents from a facility;	24470
(3) Fees for issuing and renewing licenses, which shall be	24471
deposited into the program fee fund created under section 5123.033	24472
of the Revised Code;	24473
(4) Procedures for surveying residential facilities;	24474
(5) Requirements for the training of residential facility	24475
personnel;	24476
(6) Classifications for the various types of residential	24477
facilities;	24478
(7) Certification procedures for licensees and management	24479
contractors that the director determines are necessary to ensure	24480
that they have the skills and qualifications to properly operate	24481
or manage residential facilities;	24482
(8) The maximum number of persons who may be served in a	24483
particular type of residential facility;	24484
(9) Uniform procedures for admission of persons to and	24485
transfers and discharges of persons from residential facilities;	24486
(10) Other standards for the operation of residential	24487
facilities and the services provided at residential facilities;	24488
(11) Procedures for waiving any provision of any rule adopted	24489
under this section.	24490

(I)(1) Before issuing a license, the director ~~of the~~ 24491
~~department or the director's designee~~ shall conduct a survey of 24492
the residential facility for which application is made. The 24493
director ~~or the director's designee~~ shall conduct a survey of each 24494
licensed residential facility at least once during the period the 24495
license is valid and may conduct additional inspections as needed. 24496
A survey includes but is not limited to an on-site examination and 24497
evaluation of the residential facility, its personnel, and the 24498
services provided there. The director may assign to a county board 24499
of developmental disabilities the responsibility to conduct any 24500
survey or inspection under this section. 24501

(2) In conducting surveys, the director ~~or the director's~~ 24502
~~designee~~ shall be given access to the residential facility; all 24503
records, accounts, and any other documents related to the 24504
operation of the facility; the licensee; the residents of the 24505
facility; and all persons acting on behalf of, under the control 24506
of, or in connection with the licensee. The licensee and all 24507
persons on behalf of, under the control of, or in connection with 24508
the licensee shall cooperate with the director ~~or the director's~~ 24509
~~designee~~ in conducting the survey. 24510

(3) Following each survey, ~~unless the director initiates a~~ 24511
~~license revocation proceeding,~~ the director ~~or the director's~~ 24512
~~designee~~ shall provide the licensee with a report listing the date 24513
of the survey, any deficiencies, specifying citations issued as a 24514
result of the survey, and the statutes or rules that purportedly 24515
have been violated and are the bases of the citations. The 24516
director shall also do both of the following: 24517

(a) Specify a date by which the licensee may appeal any of 24518
the citations; 24519

(b) When appropriate, specify a timetable within which the 24520
licensee ~~shall~~ must submit a plan of correction describing how the 24521
~~deficiencies~~ problems specified in the citations will be 24522

~~corrected, and, when appropriate, specifying a timetable within~~ 24523
~~the date by which the licensee must correct~~ anticipates the 24524
~~deficiencies~~ problems will be corrected. ~~After~~ 24525

24526

(4) If the director initiates a proceeding to revoke a 24527
license, the director shall include the report required by 24528
division (I)(3) of this section with the notice of the proposed 24529
revocation the director sends to the licensee. In this 24530
circumstance, the licensee may not submit a plan of correction. 24531

(5) After a plan of correction is submitted, the director or 24532
~~the director's designee~~ shall approve or disapprove the plan. A If 24533
the plan of correction is approved, a copy of the report and any 24534
approved plan of correction shall be provided, not later than five 24535
business days after it is approved, to any person or government 24536
entity who requests it and made available on the internet web site 24537
maintained by the department of developmental disabilities. If the 24538
plan of correction is not approved and the director initiates a 24539
proceeding to revoke the license, a copy of the survey report 24540
shall be provided to any person or government entity that requests 24541
it and shall be made available on the internet web site maintained 24542
by the department. 24543

(6) The director shall initiate disciplinary action against 24544
any department employee who notifies or causes the notification to 24545
any unauthorized person of an unannounced survey of a residential 24546
facility by an authorized representative of the department. 24547

(J) In addition to any other information which may be 24548
required of applicants for a license pursuant to this section, the 24549
director shall require each applicant to provide a copy of an 24550
approved plan for a proposed residential facility pursuant to 24551
section 5123.042 of the Revised Code. This division does not apply 24552
to renewal of a license or to an applicant for an initial or 24553

modified license who meets the requirements of section 5123.197 of 24554
the Revised Code. 24555

(K) A licensee shall notify the owner of the building in 24556
which the licensee's residential facility is located of any 24557
significant change in the identity of the licensee or management 24558
contractor before the effective date of the change if the licensee 24559
is not the owner of the building. 24560

Pursuant to rules which shall be adopted in accordance with 24561
Chapter 119. of the Revised Code, the director may require 24562
notification to the department of any significant change in the 24563
ownership of a residential facility or in the identity of the 24564
licensee or management contractor. If the director determines that 24565
a significant change of ownership is proposed, the director shall 24566
consider the proposed change to be an application for development 24567
by a new operator pursuant to section 5123.042 of the Revised Code 24568
and shall advise the applicant within sixty days of the 24569
notification that the current license shall continue in effect or 24570
a new license will be required pursuant to this section. If the 24571
director requires a new license, the director shall permit the 24572
facility to continue to operate under the current license until 24573
the new license is issued, unless the current license is revoked, 24574
refused to be renewed, or terminated in accordance with Chapter 24575
119. of the Revised Code. 24576

(L) A county board of developmental disabilities and any 24577
interested person may file complaints alleging violations of 24578
statute or department rule relating to residential facilities with 24579
the department. All complaints shall be in writing and shall state 24580
the facts constituting the basis of the allegation. The department 24581
shall not reveal the source of any complaint unless the 24582
complainant agrees in writing to waive the right to 24583
confidentiality or until so ordered by a court of competent 24584
jurisdiction. 24585

The department shall adopt rules in accordance with Chapter 24586
119. of the Revised Code establishing procedures for the receipt, 24587
referral, investigation, and disposition of complaints filed with 24588
the department under this division. 24589

(M) The department shall establish procedures for the 24590
notification of interested parties of the transfer or interim care 24591
of residents from residential facilities that are closing or are 24592
losing their license. 24593

(N) Before issuing a license under this section to a 24594
residential facility that will accommodate at any time more than 24595
one mentally retarded or developmentally disabled individual, the 24596
director shall, by first class mail, notify the following: 24597

(1) If the facility will be located in a municipal 24598
corporation, the clerk of the legislative authority of the 24599
municipal corporation; 24600

(2) If the facility will be located in unincorporated 24601
territory, the clerk of the appropriate board of county 24602
commissioners and the fiscal officer of the appropriate board of 24603
township trustees. 24604

The director shall not issue the license for ten days after 24605
mailing the notice, excluding Saturdays, Sundays, and legal 24606
holidays, in order to give the notified local officials time in 24607
which to comment on the proposed issuance. 24608

Any legislative authority of a municipal corporation, board 24609
of county commissioners, or board of township trustees that 24610
receives notice under this division of the proposed issuance of a 24611
license for a residential facility may comment on it in writing to 24612
the director within ten days after the director mailed the notice, 24613
excluding Saturdays, Sundays, and legal holidays. If the director 24614
receives written comments from any notified officials within the 24615
specified time, the director shall make written findings 24616

concerning the comments and the director's decision on the 24617
issuance of the license. If the director does not receive written 24618
comments from any notified local officials within the specified 24619
time, the director shall continue the process for issuance of the 24620
license. 24621

(O) Any person may operate a licensed residential facility 24622
that provides room and board, personal care, habilitation 24623
services, and supervision in a family setting for at least six but 24624
not more than eight persons with mental retardation or a 24625
developmental disability as a permitted use in any residential 24626
district or zone, including any single-family residential district 24627
or zone, of any political subdivision. These residential 24628
facilities may be required to comply with area, height, yard, and 24629
architectural compatibility requirements that are uniformly 24630
imposed upon all single-family residences within the district or 24631
zone. 24632

(P) Any person may operate a licensed residential facility 24633
that provides room and board, personal care, habilitation 24634
services, and supervision in a family setting for at least nine 24635
but not more than sixteen persons with mental retardation or a 24636
developmental disability as a permitted use in any multiple-family 24637
residential district or zone of any political subdivision, except 24638
that a political subdivision that has enacted a zoning ordinance 24639
or resolution establishing planned unit development districts may 24640
exclude these residential facilities from those districts, and a 24641
political subdivision that has enacted a zoning ordinance or 24642
resolution may regulate these residential facilities in 24643
multiple-family residential districts or zones as a conditionally 24644
permitted use or special exception, in either case, under 24645
reasonable and specific standards and conditions set out in the 24646
zoning ordinance or resolution to: 24647

(1) Require the architectural design and site layout of the 24648

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; 24649
24650
24651

(2) Require compliance with yard, parking, and sign regulation; 24652
24653

(3) Limit excessive concentration of these residential facilities. 24654
24655

(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. 24656
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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. 24660
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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: 24666
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(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. 24669
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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. 24675
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(2) To be eligible to receive an interim license, an 24678

applicant must meet the same criteria that must be met to receive 24679
a permanent license under this section, except for any differing 24680
procedures and time frames that may apply to issuance of a 24681
permanent license. 24682

(3) An interim license shall be valid for thirty days and may 24683
be renewed by the director for a period not to exceed one hundred 24684
fifty days. 24685

(4) The director shall adopt rules in accordance with Chapter 24686
119. of the Revised Code as the director considers necessary to 24687
administer the issuance of interim licenses. 24688

(T) Notwithstanding rules adopted pursuant to this section 24689
establishing the maximum number of persons who may be served in a 24690
particular type of residential facility, a residential facility 24691
shall be permitted to serve the same number of persons being 24692
served by the facility on the effective date of the rules or the 24693
number of persons for which the facility is authorized pursuant to 24694
a current application for a certificate of need with a letter of 24695
support from the department of developmental disabilities and 24696
which is in the review process prior to April 4, 1986. 24697

(U) The director ~~or the director's designee~~ may enter at any 24698
time, for purposes of investigation, any home, facility, or other 24699
structure that has been reported to the director or that the 24700
director has reasonable cause to believe is being operated as a 24701
residential facility without a license issued under this section. 24702

The director may petition the court of common pleas of the 24703
county in which an unlicensed residential facility is located for 24704
an order enjoining the person or governmental agency operating the 24705
facility from continuing to operate without a license. The court 24706
may grant the injunction on a showing that the person or 24707
governmental agency named in the petition is operating a 24708
residential facility without a license. The court may grant the 24709

injunction, regardless of whether the residential facility meets 24710
the requirements for receiving a license under this section. 24711

Sec. 5123.191. (A) The court of common pleas or a judge 24712
thereof in the judge's county, or the probate court, may appoint a 24713
receiver to take possession of and operate a residential facility 24714
licensed by the department of developmental disabilities, in 24715
causes pending in such courts respectively, when conditions 24716
existing at the facility present a substantial risk of physical or 24717
mental harm to residents and no other remedies at law are adequate 24718
to protect the health, safety, and welfare of the residents. 24719
Conditions at the facility that may present such risk of harm 24720
include, but are not limited to, instances when any of the 24721
following occur: 24722

(1) The residential facility is in violation of state or 24723
federal law or regulations. 24724

(2) The facility has had its license revoked or procedures 24725
for revocation have been initiated, or the facility is closing or 24726
intends to cease operations. 24727

(3) Arrangements for relocating residents need to be made. 24728

(4) Insolvency of the operator, licensee, or landowner 24729
threatens the operation of the facility. 24730

(5) The facility or operator has demonstrated a pattern and 24731
practice of repeated violations of state or federal laws or 24732
regulations. 24733

(B) A court in which a petition is filed pursuant to this 24734
section shall notify the person holding the license for the 24735
facility and the department of developmental disabilities of the 24736
filing. The court shall order the department to notify the 24737
facility owner, facility operator, county board of developmental 24738
disabilities, facility residents, and residents' parents and 24739

guardians of the filing of the petition. 24740

The court shall provide a hearing on the petition within five 24741
court days of the time it was filed, except that the court may 24742
appoint a receiver prior to that time if it determines that the 24743
circumstances necessitate such action. Following a hearing on the 24744
petition, and upon a determination that the appointment of a 24745
receiver is warranted, the court shall appoint a receiver and 24746
notify the department of developmental disabilities and 24747
appropriate persons of this action. 24748

(C) A residential facility for which a receiver has been 24749
named is deemed to be in compliance with section 5123.19 and 24750
Chapter 3721. of the Revised Code for the duration of the 24751
receivership. 24752

(D) When the operating revenue of a residential facility in 24753
receivership is insufficient to meet its operating expenses, 24754
including the cost of bringing the facility into compliance with 24755
state or federal laws or regulations, the court may order the 24756
state to provide necessary funding, except as provided in division 24757
(K) of this section. The state shall provide such funding, subject 24758
to the approval of the controlling board. The court may also order 24759
the appropriate authorities to expedite all inspections necessary 24760
for the issuance of licenses or the certification of a facility, 24761
and order a facility to be closed if it determines that reasonable 24762
efforts cannot bring the facility into substantial compliance with 24763
the law. 24764

(E) In establishing a receivership, the court shall set forth 24765
the powers and duties of the receiver. The court may generally 24766
authorize the receiver to do all that is prudent and necessary to 24767
safely and efficiently operate the residential facility within the 24768
requirements of state and federal law, but shall require the 24769
receiver to obtain court approval prior to making any single 24770
expenditure of more than five thousand dollars to correct 24771

deficiencies in the structure or furnishings of a facility. The 24772
court shall closely review the conduct of the receiver it has 24773
appointed and shall require regular and detailed reports. The 24774
receivership shall be reviewed at least every sixty days. 24775

(F) A receivership established pursuant to this section shall 24776
be terminated, following notification of the appropriate parties 24777
and a hearing, if the court determines either of the following: 24778

(1) The residential facility has been closed and the former 24779
residents have been relocated to an appropriate facility. 24780

(2) Circumstances no longer exist at the facility that 24781
present a substantial risk of physical or mental harm to 24782
residents, and there is no deficiency in the facility that is 24783
likely to create a future risk of harm. 24784

Notwithstanding division (F)(2) of this section, the court 24785
shall not terminate a receivership for a residential facility that 24786
has previously operated under another receivership unless the 24787
responsibility for the operation of the facility is transferred to 24788
an operator approved by the court and the department of 24789
developmental disabilities. 24790

(G) The department of developmental disabilities may, upon 24791
its own initiative or at the request of an owner, operator, or 24792
resident of a residential facility, or at the request of a 24793
resident's guardian or relative or a county board of developmental 24794
disabilities, petition the court to appoint a receiver to take 24795
possession of and operate a residential facility. When the 24796
department has been requested to file a petition by any of the 24797
parties listed above, it shall, within forty-eight hours of such 24798
request, either file such a petition or notify the requesting 24799
party of its decision not to file. If the department refuses to 24800
file, the requesting party may file a petition with the court 24801
requesting the appointment of a receiver to take possession of and 24802

operate a residential facility. 24803

Petitions filed pursuant to this division shall include the 24804
following: 24805

(1) A description of the specific conditions existing at the 24806
facility which present a substantial risk of physical or mental 24807
harm to residents; 24808

(2) A statement of the absence of other adequate remedies at 24809
law; 24810

(3) The number of individuals residing at the facility; 24811

(4) A statement that the facts have been brought to the 24812
attention of the owner or licensee and that conditions have not 24813
been remedied within a reasonable period of time or that the 24814
conditions, though remedied periodically, habitually exist at the 24815
facility as a pattern or practice; 24816

(5) The name and address of the person holding the license 24817
for the facility and the address of the department of 24818
developmental disabilities. 24819

The court may award to an operator appropriate costs and 24820
expenses, including reasonable attorney's fees, if it determines 24821
that a petitioner has initiated a proceeding in bad faith or 24822
merely for the purpose of harassing or embarrassing the operator. 24823

(H) Except for the department of developmental disabilities 24824
or a county board of developmental disabilities, no party or 24825
person interested in an action shall be appointed a receiver 24826
pursuant to this section. 24827

To assist the court in identifying persons qualified to be 24828
named as receivers, the director of developmental disabilities ~~or~~ 24829
~~the director's designee~~ shall maintain a list of the names of such 24830
persons. The director shall, in accordance with Chapter 119. of 24831
the Revised Code, establish standards for evaluating persons 24832

desiring to be included on such a list. 24833

(I) Before a receiver enters upon the duties of that person, 24834
the receiver must be sworn to perform the duties of receiver 24835
faithfully, and, with surety approved by the court, judge, or 24836
clerk, execute a bond to such person, and in such sum as the court 24837
or judge directs, to the effect that such receiver will faithfully 24838
discharge the duties of receiver in the action, and obey the 24839
orders of the court therein. 24840

(J) Under the control of the appointing court, a receiver may 24841
bring and defend actions in the receiver's own name as receiver 24842
and take and keep possession of property. 24843

The court shall authorize the receiver to do the following: 24844

(1) Collect payment for all goods and services provided to 24845
the residents or others during the period of the receivership at 24846
the same rate as was charged by the licensee at the time the 24847
petition for receivership was filed, unless a different rate is 24848
set by the court; 24849

(2) Honor all leases, mortgages, and secured transactions 24850
governing all buildings, goods, and fixtures of which the receiver 24851
has taken possession and continues to use, subject to the 24852
following conditions: 24853

(a) In the case of a rental agreement, only to the extent of 24854
payments that are for the use of the property during the period of 24855
the receivership; 24856

(b) In the case of a purchase agreement only to the extent of 24857
payments that come due during the period of the receivership. 24858

(3) If transfer of residents is necessary, provide for the 24859
orderly transfer of residents by doing the following: 24860

(a) Cooperating with all appropriate state and local agencies 24861
in carrying out the transfer of residents to alternative community 24862

placements;	24863
(b) Providing for the transportation of residents' belongings and records;	24864 24865
(c) Helping to locate alternative placements and develop discharge plans;	24866 24867
(d) Preparing residents for the trauma of discharge;	24868
(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary.	24869 24870 24871
(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;	24872 24873 24874
(5) Compromise demands or claims;	24875
(6) Generally do such acts respecting the residential facility as the court authorizes.	24876 24877
(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.	24878 24879 24880
(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.	24881 24882 24883 24884 24885 24886
(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.	24887 24888 24889 24890
Sec. 5123.21. The director of developmental disabilities or	24891

~~the director's designee~~ may transfer or authorize the transfer of 24892
an involuntary resident or a consenting voluntary resident from 24893
one public institution to another or to an institution other than 24894
a public institution or other facility, if the director determines 24895
that it would be consistent with the habilitation needs of the 24896
resident to do so. 24897

Before an involuntary resident may be transferred to a more 24898
restrictive setting, the managing officer of the institution shall 24899
file a motion with the court requesting the court to amend its 24900
order of placement issued under section 5123.76 of the Revised 24901
Code. At the resident's request, the court shall hold a hearing on 24902
the motion at which the resident has the same rights as at a full 24903
hearing under section 5123.76 of the Revised Code. 24904

Whenever a resident is transferred, the director shall give 24905
written notice of the transfer to the resident's legal guardian, 24906
parents, spouse, and counsel, or, if none is known, to the 24907
resident's nearest known relative or friend. If the resident is a 24908
minor, the ~~department~~ director before making such a transfer shall 24909
make a minute of the order for the transfer and the reason for it 24910
upon its record and shall send a certified copy at least seven 24911
days prior to the transfer to the person shown by its record to 24912
have had the care or custody of the minor immediately prior to the 24913
minor's commitment. Whenever a consenting voluntary resident is 24914
transferred, the notification shall be given only at the 24915
resident's request. The managing officer shall advise a voluntary 24916
resident who is being transferred that the patient may decide if 24917
such a notification shall be given. In all such transfers, due 24918
consideration shall be given to the relationship of the resident 24919
to the resident's family, legal guardian, or friends, so as to 24920
maintain relationships and encourage visits beneficial to the 24921
resident. 24922

Sec. 5123.61. (A) As used in this section:	24923
(1) "Law enforcement agency" means the state highway patrol,	24924
the police department of a municipal corporation, or a county	24925
sheriff.	24926
(2) "Abuse" has the same meaning as in section 5123.50 of the	24927
Revised Code, except that it includes a misappropriation, as	24928
defined in that section.	24929
(3) "Neglect" has the same meaning as in section 5123.50 of	24930
the Revised Code.	24931
(B) The department of developmental disabilities shall	24932
establish a registry office for the purpose of maintaining reports	24933
of abuse, neglect, and other major unusual incidents made to the	24934
department under this section and reports received from county	24935
boards of developmental disabilities under section 5126.31 of the	24936
Revised Code. The department shall establish committees to review	24937
reports of abuse, neglect, and other major unusual incidents.	24938
(C)(1) Any person listed in division (C)(2) of this section,	24939
having reason to believe that a person with mental retardation or	24940
a developmental disability has suffered or faces a substantial	24941
risk of suffering any wound, injury, disability, or condition of	24942
such a nature as to reasonably indicate abuse or neglect of that	24943
person, shall immediately report or cause reports to be made of	24944
such information to the entity specified in this division. Except	24945
as provided in section 5120.173 of the Revised Code or as	24946
otherwise provided in this division, the person making the report	24947
shall make it to a law enforcement agency or to the county board	24948
of developmental disabilities. If the report concerns a resident	24949
of a facility operated by the department of developmental	24950
disabilities the report shall be made either to a law enforcement	24951
agency or to the department. If the report concerns any act or	24952
omission of an employee of a county board of developmental	24953

disabilities, the report immediately shall be made to the 24954
department and to the county board. 24955

(2) All of the following persons are required to make a 24956
report under division (C)(1) of this section: 24957

(a) Any physician, including a hospital intern or resident, 24958
any dentist, podiatrist, chiropractor, practitioner of a limited 24959
branch of medicine as specified in section 4731.15 of the Revised 24960
Code, hospital administrator or employee of a hospital, nurse 24961
licensed under Chapter 4723. of the Revised Code, employee of an 24962
ambulatory health facility as defined in section 5101.61 of the 24963
Revised Code, employee of a home health agency, employee of a 24964
residential facility licensed under section 5119.34 of the Revised 24965
Code that provides accommodations, supervision, and person care 24966
services for three to sixteen unrelated adults, or employee of a 24967
community mental health facility; 24968

(b) Any school teacher or school authority, social worker, 24969
psychologist, attorney, peace officer, coroner, or residents' 24970
rights advocate as defined in section 3721.10 of the Revised Code; 24971

(c) A superintendent, board member, or employee of a county 24972
board of developmental disabilities; an administrator, board 24973
member, or employee of a residential facility licensed under 24974
section 5123.19 of the Revised Code; an administrator, board 24975
member, or employee of any other public or private provider of 24976
services to a person with mental retardation or a developmental 24977
disability, or any MR/DD employee, as defined in section 5123.50 24978
of the Revised Code; 24979

(d) A member of a citizen's advisory council established at 24980
an institution or branch institution of the department of 24981
developmental disabilities under section 5123.092 of the Revised 24982
Code; 24983

(e) A member of the clergy who is employed in a position that 24984

includes providing specialized services to an individual with 24985
mental retardation or another developmental disability, while 24986
acting in an official or professional capacity in that position, 24987
or a person who is employed in a position that includes providing 24988
specialized services to an individual with mental retardation or 24989
another developmental disability and who, while acting in an 24990
official or professional capacity, renders spiritual treatment 24991
through prayer in accordance with the tenets of an organized 24992
religion. 24993

(3)(a) The reporting requirements of this division do not 24994
apply to employees of the Ohio protection and advocacy system. 24995

(b) An attorney or physician is not required to make a report 24996
pursuant to division (C)(1) of this section concerning any 24997
communication the attorney or physician receives from a client or 24998
patient in an attorney-client or physician-patient relationship, 24999
if, in accordance with division (A) or (B) of section 2317.02 of 25000
the Revised Code, the attorney or physician could not testify with 25001
respect to that communication in a civil or criminal proceeding, 25002
except that the client or patient is deemed to have waived any 25003
testimonial privilege under division (A) or (B) of section 2317.02 25004
of the Revised Code with respect to that communication and the 25005
attorney or physician shall make a report pursuant to division 25006
(C)(1) of this section, if both of the following apply: 25007

(i) The client or patient, at the time of the communication, 25008
is a person with mental retardation or a developmental disability. 25009

(ii) The attorney or physician knows or suspects, as a result 25010
of the communication or any observations made during that 25011
communication, that the client or patient has suffered or faces a 25012
substantial risk of suffering any wound, injury, disability, or 25013
condition of a nature that reasonably indicates abuse or neglect 25014
of the client or patient. 25015

(4) Any person who fails to make a report required under 25016
division (C) of this section and who is an MR/DD employee, as 25017
defined in section 5123.50 of the Revised Code, shall be eligible 25018
to be included in the registry regarding misappropriation, abuse, 25019
neglect, or other specified misconduct by MR/DD employees 25020
established under section 5123.52 of the Revised Code. 25021

(D) The reports required under division (C) of this section 25022
shall be made forthwith by telephone or in person and shall be 25023
followed by a written report. The reports shall contain the 25024
following: 25025

(1) The names and addresses of the person with mental 25026
retardation or a developmental disability and the person's 25027
custodian, if known; 25028

(2) The age of the person with mental retardation or a 25029
developmental disability; 25030

(3) Any other information that would assist in the 25031
investigation of the report. 25032

(E) When a physician performing services as a member of the 25033
staff of a hospital or similar institution has reason to believe 25034
that a person with mental retardation or a developmental 25035
disability has suffered injury, abuse, or physical neglect, the 25036
physician shall notify the person in charge of the institution or 25037
that person's designated delegate, who shall make the necessary 25038
reports. 25039

(F) Any person having reasonable cause to believe that a 25040
person with mental retardation or a developmental disability has 25041
suffered or faces a substantial risk of suffering abuse or neglect 25042
may report or cause a report to be made of that belief to the 25043
entity specified in this division. Except as provided in section 25044
5120.173 of the Revised Code or as otherwise provided in this 25045
division, the person making the report shall make it to a law 25046

enforcement agency or the county board of developmental 25047
disabilities. If the person is a resident of a facility operated 25048
by the department of developmental disabilities, the report shall 25049
be made to a law enforcement agency or to the department. If the 25050
report concerns any act or omission of an employee of a county 25051
board of developmental disabilities, the report immediately shall 25052
be made to the department and to the county board. 25053

(G)(1) Upon the receipt of a report concerning the possible 25054
abuse or neglect of a person with mental retardation or a 25055
developmental disability, the law enforcement agency shall inform 25056
the county board of developmental disabilities or, if the person 25057
is a resident of a facility operated by the department of 25058
developmental disabilities, the ~~director of the~~ department ~~or the~~
~~director's designee.~~ 25059
25060

(2) On receipt of a report under this section that includes 25061
an allegation of action or inaction that may constitute a crime 25062
under federal law or the law of this state, the department of 25063
developmental disabilities shall notify the law enforcement 25064
agency. 25065

(3) When a county board of developmental disabilities 25066
receives a report under this section that includes an allegation 25067
of action or inaction that may constitute a crime under federal 25068
law or the law of this state, the superintendent of the board or 25069
an individual the superintendent designates under division (H) of 25070
this section shall notify the law enforcement agency. The 25071
superintendent or individual shall notify the department of 25072
developmental disabilities when it receives any report under this 25073
section. 25074

(4) When a county board of developmental disabilities 25075
receives a report under this section and believes that the degree 25076
of risk to the person is such that the report is an emergency, the 25077
superintendent of the board or an employee of the board the 25078

superintendent designates shall attempt a face-to-face contact 25079
with the person with mental retardation or a developmental 25080
disability who allegedly is the victim within one hour of the 25081
board's receipt of the report. 25082

(H) The superintendent of the board may designate an 25083
individual to be responsible for notifying the law enforcement 25084
agency and the department when the county board receives a report 25085
under this section. 25086

(I) An adult with mental retardation or a developmental 25087
disability about whom a report is made may be removed from the 25088
adult's place of residence only by law enforcement officers who 25089
consider that the adult's immediate removal is essential to 25090
protect the adult from further injury or abuse or in accordance 25091
with the order of a court made pursuant to section 5126.33 of the 25092
Revised Code. 25093

(J) A law enforcement agency shall investigate each report of 25094
abuse or neglect it receives under this section. In addition, the 25095
department, in cooperation with law enforcement officials, shall 25096
investigate each report regarding a resident of a facility 25097
operated by the department to determine the circumstances 25098
surrounding the injury, the cause of the injury, and the person 25099
responsible. The investigation shall be in accordance with the 25100
memorandum of understanding prepared under section 5126.058 of the 25101
Revised Code. The department shall determine, with the registry 25102
office which shall be maintained by the department, whether prior 25103
reports have been made concerning an adult with mental retardation 25104
or a developmental disability or other principals in the case. If 25105
the department finds that the report involves action or inaction 25106
that may constitute a crime under federal law or the law of this 25107
state, it shall submit a report of its investigation, in writing, 25108
to the law enforcement agency. If the person with mental 25109
retardation or a developmental disability is an adult, with the 25110

consent of the adult, the department shall provide such protective 25111
services as are necessary to protect the adult. The law 25112
enforcement agency shall make a written report of its findings to 25113
the department. 25114

If the person is an adult and is not a resident of a facility 25115
operated by the department, the county board of developmental 25116
disabilities shall review the report of abuse or neglect in 25117
accordance with sections 5126.30 to 5126.33 of the Revised Code 25118
and the law enforcement agency shall make the written report of 25119
its findings to the county board. 25120

(K) Any person or any hospital, institution, school, health 25121
department, or agency participating in the making of reports 25122
pursuant to this section, any person participating as a witness in 25123
an administrative or judicial proceeding resulting from the 25124
reports, or any person or governmental entity that discharges 25125
responsibilities under sections 5126.31 to 5126.33 of the Revised 25126
Code shall be immune from any civil or criminal liability that 25127
might otherwise be incurred or imposed as a result of such actions 25128
except liability for perjury, unless the person or governmental 25129
entity has acted in bad faith or with malicious purpose. 25130

(L) No employer or any person with the authority to do so 25131
shall discharge, demote, transfer, prepare a negative work 25132
performance evaluation, reduce pay or benefits, terminate work 25133
privileges, or take any other action detrimental to an employee or 25134
retaliate against an employee as a result of the employee's having 25135
made a report under this section. This division does not preclude 25136
an employer or person with authority from taking action with 25137
regard to an employee who has made a report under this section if 25138
there is another reasonable basis for the action. 25139

(M) Reports made under this section are not public records as 25140
defined in section 149.43 of the Revised Code. Information 25141
contained in the reports on request shall be made available to the 25142

person who is the subject of the report, to the person's legal 25143
counsel, and to agencies authorized to receive information in the 25144
report by the department or by a county board of developmental 25145
disabilities. 25146

(N) Notwithstanding section 4731.22 of the Revised Code, the 25147
physician-patient privilege shall not be a ground for excluding 25148
evidence regarding the injuries or physical neglect of a person 25149
with mental retardation or a developmental disability or the cause 25150
thereof in any judicial proceeding resulting from a report 25151
submitted pursuant to this section. 25152

Sec. 5123.75. A respondent who is involuntarily placed in an 25153
institution or other place as designated in section 5123.77 of the 25154
Revised Code or with respect to whom proceedings have been 25155
instituted under section 5123.71 of the Revised Code shall, on 25156
request of the respondent, the respondent's guardian, or the 25157
respondent's counsel, or upon the court's own motion, be afforded 25158
a hearing to determine whether there is probable cause to believe 25159
that the respondent is a mentally retarded person subject to 25160
institutionalization by court order. 25161

(A) The probable cause hearing shall be conducted within two 25162
court days from the day on which the request is made. Failure to 25163
conduct the probable cause hearing within this time shall effect 25164
an immediate discharge of the respondent. If the proceedings are 25165
not reinstated within thirty days, records of the proceedings 25166
shall be expunged. 25167

(B) The respondent shall be informed that the respondent may 25168
retain counsel and have independent expert evaluation and, if the 25169
respondent is an indigent person, be represented by court 25170
appointed counsel and have independent expert evaluation at court 25171
expense. 25172

(C) The probable cause hearing shall be conducted in a manner 25173

consistent with the procedures set forth in division (A) of 25174
section 5123.76 of the Revised Code, except divisions (A)(10) and 25175
(14) of that section, and the designee of the director of 25176
developmental disabilities under section 5123.72 of the Revised 25177
Code shall present evidence for the state. 25178

(D) If the court does not find probable cause to believe that 25179
the respondent is a mentally retarded person subject to 25180
institutionalization by court order, it shall order immediate 25181
release of the respondent and dismiss and expunge all record of 25182
the proceedings under this chapter. 25183

(E) On motion of the respondent or the respondent's counsel 25184
and for good cause shown, the court may order a continuance of the 25185
hearing. 25186

(F) If the court finds probable cause to believe that the 25187
respondent is a mentally retarded person subject to 25188
institutionalization by court order, the court may issue an 25189
interim order of placement and, where proceedings under section 25190
5123.71 of the Revised Code have been instituted, shall order a 25191
full hearing as provided in section 5123.76 of the Revised Code to 25192
be held on the question of whether the respondent is a mentally 25193
retarded person subject to institutionalization by court order. 25194
Unless specifically waived by the respondent or the respondent's 25195
counsel, the court shall schedule said hearing to be held as soon 25196
as possible within ten days from the probable cause hearing. A 25197
waiver of such full hearing at this point shall not preclude the 25198
respondent from asserting the respondent's right to such hearing 25199
under section 5123.76 of the Revised Code at any time prior to the 25200
mandatory hearing provided in division (H) of section 5123.76 of 25201
the Revised Code. In any case, if the respondent has waived the 25202
right to the full hearing, a mandatory hearing shall be held under 25203
division (H) of section 5123.76 of the Revised Code between the 25204
ninetieth and the one hundredth day after the original involuntary 25205

detention of the person unless the respondent has been discharged.	25206
(G) Whenever possible, the probable cause hearing shall be held before the respondent is taken into custody.	25207 25208
Sec. 5123.76. (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.	25209 25210 25211 25212 25213 25214 25215 25216
(1) The following shall be made available to counsel for the respondent:	25217 25218
(a) All relevant documents, information, and evidence in the custody or control of the state or prosecutor;	25219 25220
(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;	25221 25222 25223 25224
(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.	25225 25226 25227
(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.	25228 25229 25230 25231 25232
(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	25233 25234 25235

counsel has not been validly waived, the court shall appoint 25236
counsel forthwith to represent the respondent at the hearing, 25237
reserving the right to tax costs of appointed counsel to the 25238
respondent unless it is shown that the respondent is indigent. If 25239
the court appoints counsel, or if the court determines that the 25240
evidence relevant to the respondent's absence does not justify the 25241
absence, the court shall continue the case. 25242

(4) The respondent shall be informed of the right to retain 25243
counsel, to have independent expert evaluation, and, if an 25244
indigent person, to be represented by court appointed counsel and 25245
have expert independent evaluation at court expense. 25246

(5) The hearing may be closed to the public unless counsel 25247
for the respondent requests that the hearing be open to the 25248
public. 25249

(6) Unless objected to by the respondent, the respondent's 25250
counsel, or the designee of the director of developmental 25251
disabilities under section 5123.72 of the Revised Code, the court, 25252
for good cause shown, may admit persons having a legitimate 25253
interest in the proceedings. 25254

(7) The affiant under section 5123.71 of the Revised Code 25255
shall be subject to subpoena by either party. 25256

(8) The court shall examine the sufficiency of all documents 25257
filed and shall inform the respondent, if present, and the 25258
respondent's counsel of the nature of the content of the documents 25259
and the reason for which the respondent is being held or for which 25260
the respondent's placement is being sought. 25261

(9) The court shall receive only relevant, competent, and 25262
material evidence. 25263

(10) ~~The~~ In accordance with section 5123.72 of the Revised 25264
Code, the designee of the director shall present the evidence for 25265
the state. In proceedings under this chapter, the attorney general 25266

shall present the comprehensive evaluation, assessment, diagnosis, 25267
prognosis, record of habilitation and care, if any, and less 25268
restrictive habilitation plans, if any. The attorney general does 25269
not have a similar presentation responsibility in connection with 25270
a person who has been found not guilty by reason of insanity and 25271
who is the subject of a hearing under section 2945.40 of the 25272
Revised Code to determine whether the person is a mentally 25273
retarded person subject to institutionalization by court order. 25274

(11) The respondent has the right to testify and the 25275
respondent or the respondent's counsel has the right to subpoena 25276
witnesses and documents and to present and cross-examine 25277
witnesses. 25278

(12) The respondent shall not be compelled to testify and 25279
shall be so advised by the court. 25280

(13) On motion of the respondent or the respondent's counsel 25281
for good cause shown, or upon the court's own motion, the court 25282
may order a continuance of the hearing. 25283

(14) To an extent not inconsistent with this chapter, the 25284
Rules of Civil Procedure shall be applicable. 25285

(B) Unless, upon completion of the hearing, the court finds 25286
by clear and convincing evidence that the respondent named in the 25287
affidavit is a mentally retarded person subject to 25288
institutionalization by court order, it shall order the 25289
respondent's discharge forthwith. 25290

(C) If, upon completion of the hearing, the court finds by 25291
clear and convincing evidence that the respondent is a mentally 25292
retarded person subject to institutionalization by court order, 25293
the court may order the respondent's discharge or order the 25294
respondent, for a period not to exceed ninety days, to any of the 25295
following: 25296

(1) A public institution, provided that commitment of the 25297

respondent to the institution will not cause the institution to 25298
exceed its licensed capacity determined in accordance with section 25299
5123.19 of the Revised Code and provided that such a placement is 25300
indicated by the comprehensive evaluation report filed pursuant to 25301
section 5123.71 of the Revised Code; 25302

(2) A private institution; 25303

(3) A county mental retardation program; 25304

(4) Receive private habilitation and care; 25305

(5) Any other suitable facility, program, or the care of any 25306
person consistent with the comprehensive evaluation, assessment, 25307
diagnosis, prognosis, and habilitation needs of the respondent. 25308

(D) Any order made pursuant to division (C)(2), (4), or (5) 25309
of this section shall be conditional upon the receipt by the court 25310
of consent by the facility, program, or person to accept the 25311
respondent. 25312

(E) In determining the place to which, or the person with 25313
whom, the respondent is to be committed, the court shall consider 25314
the comprehensive evaluation, assessment, diagnosis, and projected 25315
habilitation plan for the respondent, and shall order the 25316
implementation of the least restrictive alternative available and 25317
consistent with habilitation goals. 25318

(F) If, at any time it is determined by the director of the 25319
facility or program to which, or the person to whom, the 25320
respondent is committed that the respondent could be equally well 25321
habilitated in a less restrictive environment that is available, 25322
the following shall occur: 25323

(1) The respondent shall be released by the director of the 25324
facility or program or by the person forthwith and referred to the 25325
court together with a report of the findings and recommendations 25326
of the facility, program, or person. 25327

(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 25359
past habilitation, and a description of alternative habilitation 25360
settings and plans, including a habilitation setting that is the 25361
least restrictive setting consistent with the need for 25362
habilitation. A copy of the application shall be provided to 25363
respondent's counsel. The requirements for notice under section 25364
5123.73 of the Revised Code and the provisions of divisions (A) to 25365
(E) of this section apply to all hearings on such applications. 25366

(2) A hearing on the first application for continued 25367
commitment shall be held at the expiration of the first ninety-day 25368
period. The hearing shall be mandatory and may not be waived. 25369

(3) Subsequent periods of commitment not to exceed one 25370
hundred eighty days each may be ordered by the court if the 25371
designee of the director of developmental disabilities files an 25372
application for continued commitment, after a hearing is held on 25373
the application or without a hearing if no hearing is requested 25374
and no hearing required under division (H)(4) of this section is 25375
waived. Upon the application of a person involuntarily committed 25376
under this section, supported by an affidavit of a licensed 25377
physician alleging that the person is no longer a mentally 25378
retarded person subject to institutionalization by court order, 25379
the court for good cause shown may hold a full hearing on the 25380
person's continued commitment prior to the expiration of any 25381
subsequent period of commitment set by the court. 25382

(4) A mandatory hearing shall be held at least every two 25383
years after the initial commitment. 25384

(5) If the court, after a hearing upon a request to continue 25385
commitment, finds that the respondent is a mentally retarded 25386
person subject to institutionalization by court order, the court 25387
may make an order pursuant to divisions (C), (D), and (E) of this 25388
section. 25389

(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. 25420

(3) It is the judgment of the managing officer for 25421
institution records that disclosure to a mental health facility is 25422
in the best interest of the person identified. 25423

(4) Disclosure is of a record deposited with the Ohio 25424
historical society pursuant to division (C) of section 5123.31 of 25425
the Revised Code and the disclosure is made to the closest living 25426
relative of the person identified, on the relative's request. 25427

~~(B)~~(5) Disclosure is needed for the treatment of a person who 25428
is a resident or former resident of an institution for the 25429
mentally retarded or a person whose institutionalization has been 25430
sought under this chapter or is needed for the payment of services 25431
provided to the person. 25432

(C) The department of developmental disabilities shall adopt 25433
rules with respect to the systematic and periodic destruction of 25434
residents' records. 25435

~~(C)~~(1) ~~As used in this division, "family" means a parent,~~ 25436
~~brother, sister, spouse, son, daughter, grandparent, aunt, uncle,~~ 25437
~~or cousin.~~ 25438

~~(2)~~(D) Upon the death of a resident or former resident of an 25439
institution for the mentally retarded or a person whose 25440
institutionalization was sought under this chapter, the managing 25441
officer of an institution shall provide access to the 25442
certificates, applications, records, and reports made for the 25443
purposes of this chapter to the resident's, former resident's, or 25444
person's guardian if the guardian makes a written request. If a 25445
deceased resident, former resident, or person whose 25446
institutionalization was sought under this chapter did not have a 25447
guardian at the time of death, the managing officer shall provide 25448
access to the certificates, applications, records, and reports 25449
made for purposes of this chapter to a member of the person's 25450

family, upon that family member's written request. 25451

~~(D)~~(E) No person shall reveal the contents of a record of a 25452
resident except as authorized by this chapter. 25453

Sec. 5124.01. As used in this chapter: 25454

(A) "Affiliated operator" means an operator affiliated with 25455
either of the following: 25456

(1) The exiting operator for whom the affiliated operator is 25457
to assume liability for the entire amount of the exiting 25458
operator's debt under the medicaid program or the portion of the 25459
debt that represents the franchise permit fee the exiting operator 25460
owes; 25461

(2) The entering operator involved in the change of operator 25462
with the exiting operator specified in division (A)(1) of this 25463
section. 25464

(B) "Allowable costs" means an ICF/IID's costs that the 25465
department of developmental disabilities determines are 25466
reasonable. Fines paid under section 5124.99 of the Revised Code 25467
are not allowable costs. 25468

(C) "Capital costs" means an ICF/IID's costs of ownership and 25469
costs of nonextensive renovation. 25470

(D) "Case-mix score" means the measure determined under 25471
section 5124.192 of the Revised Code of the relative direct-care 25472
resources needed to provide care and habilitation to an ICF/IID 25473
resident. 25474

(E) "Change of operator" means an entering operator becoming 25475
the operator of an ICF/IID in the place of the exiting operator. 25476

(1) Actions that constitute a change of operator include the 25477
following: 25478

(a) A change in an exiting operator's form of legal 25479

organization, including the formation of a partnership or	25480
corporation from a sole proprietorship;	25481
(b) A transfer of all the exiting operator's ownership	25482
interest in the operation of the ICF/IID to the entering operator,	25483
regardless of whether ownership of any or all of the real property	25484
or personal property associated with the ICF/IID is also	25485
transferred;	25486
(c) A lease of the ICF/IID to the entering operator or the	25487
exiting operator's termination of the exiting operator's lease;	25488
(d) If the exiting operator is a partnership, dissolution of	25489
the partnership;	25490
(e) If the exiting operator is a partnership, a change in	25491
composition of the partnership unless both of the following apply:	25492
(i) The change in composition does not cause the	25493
partnership's dissolution under state law.	25494
(ii) The partners agree that the change in composition does	25495
not constitute a change in operator.	25496
(f) If the operator is a corporation, dissolution of the	25497
corporation, a merger of the corporation into another corporation	25498
that is the survivor of the merger, or a consolidation of one or	25499
more other corporations to form a new corporation.	25500
(2) The following, alone, do not constitute a change of	25501
operator:	25502
(a) A contract for an entity to manage an ICF/IID as the	25503
operator's agent, subject to the operator's approval of daily	25504
operating and management decisions;	25505
(b) A change of ownership, lease, or termination of a lease	25506
of real property or personal property associated with an ICF/IID	25507
if an entering operator does not become the operator in place of	25508
an exiting operator;	25509

(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.	25510 25511 25512 25513
(F) "Cost center" means the following:	25514
(1) Capital costs;	25515
(2) Direct care costs;	25516
(3) Indirect care costs;	25517
(4) Other protected costs.	25518
(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.	25519 25520 25521
(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:	25522 25523
(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:	25524 25525 25526
(i) Buildings;	25527
(ii) Building improvements that are not approved as nonextensive renovations under section 5124.17 of the Revised Code;	25528 25529 25530
(iii) Equipment;	25531
(iv) Extensive renovations;	25532
(v) Transportation equipment.	25533
(b) Amortization and interest on land improvements and leasehold improvements;	25534 25535
(c) Amortization of financing costs;	25536
(d) Except as provided in division (Z) of this section, lease	25537

and rent of land, building, and equipment. 25538

(2) The costs of capital assets of less than five hundred 25539
dollars per item may be considered costs of ownership in 25540
accordance with an ICF/IID provider's practice. 25541

(I)(1) "Date of licensure" means the following: 25542

(a) In the case of an ICF/IID that was originally licensed as 25543
a nursing home under Chapter 3721. of the Revised Code, the date 25544
that it was originally so licensed, regardless that it was 25545
subsequently licensed as a residential facility under section 25546
5123.19 of the Revised Code; 25547

(b) In the case of an ICF/IID that was originally licensed as 25548
a residential facility under section 5123.19 of the Revised Code, 25549
the date it was originally so licensed; 25550

(c) In the case of an ICF/IID that was not required by law to 25551
be licensed as a nursing home or residential facility when it was 25552
originally operated as a residential facility, the date it first 25553
was operated as a residential facility, regardless of the date the 25554
ICF/IID was first licensed as a nursing home or residential 25555
facility. 25556

(2) If, after an ICF/IID's original date of licensure, more 25557
residential facility beds are added to the ICF/IID or all or part 25558
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 25559
a different date of licensure for the additional beds or 25560
extensively renovated portion of the ICF/IID. This does not apply, 25561
however, to additional beds when both of the following apply: 25562

(a) The additional beds are located in a part of the ICF/IID 25563
that was constructed at the same time as the continuing beds 25564
already located in that part of the ICF/IID; 25565

(b) The part of the ICF/IID in which the additional beds are 25566
located was constructed as part of the ICF/IID at a time when the 25567

ICF/IID was not required by law to be licensed as a nursing home 25568
or residential facility. 25569

(3) The definition of "date of licensure" in this section 25570
applies in determinations of ICFs/IID's medicaid payment rates but 25571
does not apply in determinations of ICFs/IID's franchise permit 25572
fees under sections 5168.60 to 5168.71 of the Revised Code. 25573

(J) "Desk-reviewed" means that an ICF/IID's costs as reported 25574
on a cost report filed under section 5124.10 or 5124.101 of the 25575
Revised Code have been subjected to a desk review under section 25576
5124.108 of the Revised Code and preliminarily determined to be 25577
allowable costs. 25578

(K) "Developmental center" means a residential facility that 25579
is maintained and operated by the department of developmental 25580
disabilities. 25581

(L) "Direct care costs" means all of the following costs 25582
incurred by an ICF/IID: 25583

(1) Costs for registered nurses, licensed practical nurses, 25584
and nurse aides employed by the ICF/IID; 25585

(2) Costs for direct care staff, administrative nursing 25586
staff, medical directors, respiratory therapists, physical 25587
therapists, physical therapy assistants, occupational therapists, 25588
occupational therapy assistants, speech therapists, audiologists, 25589
habilitation staff (including habilitation supervisors), qualified 25590
intellectual disability professionals, program directors, social 25591
services staff, activities staff, off-site day programming, 25592
psychologists, psychology assistants, social workers, counselors, 25593
and other persons holding degrees qualifying them to provide 25594
therapy; 25595

(3) Costs of purchased nursing services; 25596

(4) Costs of training and staff development, employee 25597

benefits, payroll taxes, and workers' compensation premiums or	25598
costs for self-insurance claims and related costs as specified in	25599
rules adopted under section 5124.03 of the Revised Code, for	25600
personnel listed in divisions (L)(1), (2), and (3) of this	25601
section;	25602
(5) Costs of quality assurance;	25603
(6) Costs of consulting and management fees related to direct	25604
care;	25605
(7) Allocated direct care home office costs;	25606
(8) Costs of other direct-care resources that are specified	25607
as direct care costs in rules adopted under section 5124.03 of the	25608
Revised Code.	25609
(M) "Downsized ICF/IID" means an ICF/IID that permanently	25610
reduced its medicaid-certified capacity pursuant to a plan	25611
approved by the department of developmental disabilities under	25612
section 5123.042 of the Revised Code.	25613
(N) "Effective date of a change of operator" means the day	25614
the entering operator becomes the operator of the ICF/IID.	25615
(O) "Effective date of a facility closure" means the last day	25616
that the last of the residents of the ICF/IID resides in the	25617
ICF/IID.	25618
(P) "Effective date of an involuntary termination" means the	25619
date the department of medicaid terminates the operator's provider	25620
agreement for the ICF/IID or the last day that such a provider	25621
agreement is in effect when the department cancels or refuses to	25622
revalidate it.	25623
(Q) "Effective date of a voluntary termination" means the day	25624
the ICF/IID ceases to accept medicaid recipients.	25625
(R) "Entering operator" means the person or government entity	25626
that will become the operator of an ICF/IID when a change of	25627

operator occurs or following an involuntary termination.	25628
(S) "Exiting operator" means any of the following:	25629
(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;	25630 25631
(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;	25632 25633
(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;	25634 25635
(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.	25636 25637
(T)(1) "Extensive renovation" means the following:	25638
(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	25639 25640
(i) It was started before July 1, 1993+.	25641
(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.	25642 25643 25644
(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:	25645 25646
(i) It was started on or after July 1, 1993+.	25647
(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+.	25648 25649 25650
(iii) It extends the useful life of the assets for at least ten years.	25651 25652
(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	25653 25654 25655 25656

construction of new beds. 25657

(3) For the purpose of division (T)(1)(b)(ii) of this 25658
section, the cost of constructing a new bed shall be considered to 25659
be forty thousand dollars, adjusted for the estimated rate of 25660
inflation from January 1, 1993, to the end of the calendar year 25661
during which the extensive renovation is completed, using the 25662
consumer price index for shelter costs for all urban consumers for 25663
the north central region, as published by the United States bureau 25664
of labor statistics. 25665

(U)(1) Subject to divisions (U)(2) and (3) of this section, 25666
"facility closure" means either of the following: 25667

(a) Discontinuance of the use of the building, or part of the 25668
building, that houses the facility as an ICF/IID that results in 25669
the relocation of all of the facility's residents; 25670

(b) Conversion of the building, or part of the building, that 25671
houses an ICF/IID to a different use with any necessary license or 25672
other approval needed for that use being obtained and one or more 25673
of the facility's residents remaining in the facility to receive 25674
services under the new use. 25675

(2) A facility closure occurs regardless of any of the 25676
following: 25677

(a) The operator completely or partially replacing the 25678
ICF/IID by constructing a new ICF/IID or transferring the 25679
ICF/IID's license to another ICF/IID; 25680

(b) The ICF/IID's residents relocating to another of the 25681
operator's ICFs/IID; 25682

(c) Any action the department of health takes regarding the 25683
ICF/IID's medicaid certification that may result in the transfer 25684
of part of the ICF/IID's survey findings to another of the 25685
operator's ICFs/IID; 25686

(d) Any action the department of developmental disabilities 25687
takes regarding the ICF/IID's license under section 5123.19 of the 25688
Revised Code. 25689

(3) A facility closure does not occur if all of the ICF/IID's 25690
residents are relocated due to an emergency evacuation and one or 25691
more of the residents return to a medicaid-certified bed in the 25692
ICF/IID not later than thirty days after the evacuation occurs. 25693

(V) "Fiscal year" means the fiscal year of this state, as 25694
specified in section 9.34 of the Revised Code. 25695

(W) "Franchise permit fee" means the fee imposed by sections 25696
5168.60 to 5168.71 of the Revised Code. 25697

(X) "Home and community-based services" has the same meaning 25698
as in section 5123.01 of the Revised Code. 25699

(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. 25700
440.150. 25701

(Z)(1) "Indirect care costs" means all reasonable costs 25702
incurred by an ICF/IID other than capital costs, direct care 25703
costs, and other protected costs. "Indirect care costs" includes 25704
costs of habilitation supplies, pharmacy consultants, medical and 25705
habilitation records, program supplies, incontinence supplies, 25706
food, enterals, dietary supplies and personnel, laundry, 25707
housekeeping, security, administration, liability insurance, 25708
bookkeeping, purchasing department, human resources, 25709
communications, travel, dues, license fees, subscriptions, home 25710
office costs not otherwise allocated, legal services, accounting 25711
services, minor equipment, maintenance and repair expenses, 25712
help-wanted advertising, informational advertising, start-up 25713
costs, organizational expenses, other interest, property 25714
insurance, employee training and staff development, employee 25715
benefits, payroll taxes, and workers' compensation premiums or 25716
costs for self-insurance claims and related costs, as specified in 25717

rules adopted under section 5124.03 of the Revised Code, for 25718
personnel listed in this division. Notwithstanding division (H) of 25719
this section, "indirect care costs" also means the cost of 25720
equipment, including vehicles, acquired by operating lease 25721
executed before December 1, 1992, if the costs are reported as 25722
administrative and general costs on the ICF/IID's cost report for 25723
the cost reporting period ending December 31, 1992. 25724

(2) For the purpose of division (Z)(1) of this section, an 25725
operating lease shall be construed in accordance with generally 25726
accepted accounting principles. 25727

(AA) "Inpatient days" means both of the following: 25728

(1) All days during which a resident, regardless of payment 25729
source, occupies a bed in an ICF/IID that is included in the 25730
ICF/IID's medicaid-certified capacity; 25731

(2) All days for which payment is made under section 5124.34 25732
of the Revised Code. 25733

(BB) "Intermediate care facility for individuals with 25734
intellectual disabilities" and "ICF/IID" mean an intermediate care 25735
facility for the mentally retarded as defined in the "Social 25736
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 25737

(CC) "Involuntary termination" means the department of 25738
medicaid's termination of, cancellation of, or refusal to 25739
revalidate the operator's provider agreement for the ICF/IID when 25740
such action is not taken at the operator's request. 25741

(DD) "Maintenance and repair expenses" means, except as 25742
provided in division ~~(FF)~~(WW)(2)(b) of this section, expenditures 25743
that are necessary and proper to maintain an asset in a normally 25744
efficient working condition and that do not extend the useful life 25745
of the asset two years or more. "Maintenance and repair expenses" 25746
includes the costs of ordinary repairs such as painting and 25747
wallpapering. 25748

(EE) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds. 25749
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(FF) "Medicaid days" means both of the following: 25752

(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; 25753
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(2) All days for which payment is made under section 5124.34 of the Revised Code. 25757
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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. 25759
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(2) "New ICF/IID" does not mean either of the following: 25764

(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; 25765
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(b) A downsized ICF/IID or partially converted ICF/IID. 25769

(HH) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 25770
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(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID. 25772
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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 25775
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protected home office costs; and any additional costs defined as 25779
other protected costs in rules adopted under section 5124.03 of 25780
the Revised Code. 25781

(KK)(1) "Owner" means any person or government entity that 25782
has at least five per cent ownership or interest, either directly, 25783
indirectly, or in any combination, in any of the following 25784
regarding an ICF/IID: 25785

(a) The land on which the ICF/IID is located; 25786

(b) The structure in which the ICF/IID is located; 25787

(c) Any mortgage, contract for deed, or other obligation 25788
secured in whole or in part by the land or structure on or in 25789
which the ICF/IID is located; 25790

(d) Any lease or sublease of the land or structure on or in 25791
which the ICF/IID is located. 25792

(2) "Owner" does not mean a holder of a debenture or bond 25793
related to an ICF/IID and purchased at public issue or a regulated 25794
lender that has made a loan related to the ICF/IID unless the 25795
holder or lender operates the ICF/IID directly or through a 25796
subsidiary. 25797

(LL) "Partially converted ICF/IID" means an ICF/IID that 25798
converted some, but not all, of its beds to providing home and 25799
community-based services under the individual options waiver 25800
pursuant to section 5124.60 or 5124.61 of the Revised Code. 25801

(MM) "Peer group 1" means each ICF/IID with a 25802
medicaid-certified capacity exceeding eight. 25803

(NN) "Peer group 2" means each ICF/IID with a 25804
medicaid-certified capacity not exceeding eight, other than an 25805
ICF/IID that is in peer group 3. 25806

(OO) "Peer group 3" means each ICF/IID to which all of the 25807
following apply: 25808

<u>(1) The ICF/IID is first certified as an ICF/IID after July</u>	25809
<u>1, 2014;</u>	25810
<u>(2) The ICF/IID has a medicaid-certified capacity not</u>	25811
<u>exceeding six;</u>	25812
<u>(3) The ICF/IID has a contract with the department of</u>	25813
<u>developmental disabilities that is for fifteen years and includes</u>	25814
<u>a provision for the department to approve all admissions to, and</u>	25815
<u>discharges from, the ICF/IID;</u>	25816
<u>(4) The ICF/IID's residents are admitted to the ICF/IID</u>	25817
<u>directly from a developmental center or have been determined by</u>	25818
<u>the department to be at risk of admission to a developmental</u>	25819
<u>center.</u>	25820
<u>(PP)(1) Except as provided in divisions (MM)(PP)(2) and (3)</u>	25821
<u>of this section, "per diem" means an ICF/IID's desk-reviewed,</u>	25822
<u>actual, allowable costs in a given cost center in a cost reporting</u>	25823
<u>period, divided by the facility's inpatient days for that cost</u>	25824
<u>reporting period.</u>	25825
<u>(2) When determining capital costs for the purpose of section</u>	25826
<u>5124.17 of the Revised Code, "per diem" means an ICF/IID's actual,</u>	25827
<u>allowable capital costs in a cost-reporting <u>cost reporting</u> period</u>	25828
<u>divided by the greater of the facility's inpatient days for that</u>	25829
<u>period or the number of inpatient days the ICF/IID would have had</u>	25830
<u>during that period if its occupancy rate had been ninety-five per</u>	25831
<u>cent.</u>	25832
<u>(3) When determining indirect care costs for the purpose of</u>	25833
<u>section 5124.21 of the Revised Code, "per diem" means an ICF/IID's</u>	25834
<u>actual, allowable indirect care costs in a cost-reporting <u>cost</u></u>	25835
<u><u>reporting</u> period divided by the greater of the ICF/IID's inpatient</u>	25836
<u>days for that period or the number of inpatient days the ICF/IID</u>	25837
<u>would have had during that period if its occupancy rate had been</u>	25838
<u>eighty-five per cent.</u>	25839

~~(NN)~~(OO) "Provider" means an operator with a valid provider agreement. 25840
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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. 25842
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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. 25846
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~~(QQ)~~(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. 25849
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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. 25856
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(1) An individual who is a relative of an owner is a related party. 25860
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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. 25862
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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. 25900
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~~(TT)~~(WW) (1) "Renovation" means the following: 25902

(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 25903
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(i) It was started before July 1, 1993~~+~~_ 25905

(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. 25906
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(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 25909
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(i) It was started on or after July 1, 1993~~+~~_ 25911

(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. 25912
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(2) A renovation started on or after July 1, 1993, may include both of the following: 25915
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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; 25917
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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. 25920
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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. 25923
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~~(UU)~~(XX) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 25926
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~~(VV)~~(YY) "Sponsor" means an adult relative, friend, or 25928

guardian of an ICF/IID resident who has an interest or 25929
responsibility in the resident's welfare. 25930

~~(WW)~~(ZZ) "Title XIX" means Title XIX of the "Social Security 25931
Act," 42 U.S.C. 1396, et seq. 25932

~~(XX)~~(AAA) "Title XVIII" means Title XVIII of the "Social 25933
Security Act," 42 U.S.C. 1395, et seq. 25934

~~(YY)~~(BBB) "Voluntary termination" means an operator's 25935
voluntary election to terminate the participation of an ICF/IID in 25936
the medicaid program but to continue to provide service of the 25937
type provided by a residential facility as defined in section 25938
5123.19 of the Revised Code. 25939

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 25940
or peer group 2 that becomes a downsized ICF/IID or partially 25941
converted ICF/IID on or after July 1, 2013, or becomes a new 25942
ICF/IID on or after that date, may file with the department of 25943
developmental disabilities a cost report covering the period 25944
specified in division (B) of this section if the following applies 25945
to the ICF/IID: 25946

(1) In the case of an ICF/IID that becomes a downsized 25947
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 25948
the following on the day it becomes a downsized ICF/IID or 25949
partially converted ICF/IID: 25950

(a) A medicaid-certified capacity that is at least ten per 25951
cent less than its medicaid-certified capacity on the day 25952
immediately preceding the day it becomes a downsized ICF/IID or 25953
partially converted ICF/IID; 25954

(b) At least five fewer beds certified as ICF/IID beds than 25955
it has on the day immediately preceding the day it becomes a 25956
downsized ICF/IID or partially converted ICF/IID. 25957

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 25958

a downsized ICF/IID and the downsized ICF/IID has either of the 25959
following on the day it becomes a downsized ICF/IID: 25960

(a) A medicaid-certified capacity that is at least ten per 25961
cent less than its medicaid-certified capacity on the day 25962
immediately preceding the day it becomes a downsized ICF/IID; 25963

(b) At least five fewer beds certified as ICF/IID beds than 25964
it has on the day immediately preceding the day it becomes a 25965
downsized ICF/IID. 25966

(B) A cost report filed under division (A) of this section 25967
shall cover the period that begins and ends as follows: 25968

(1) In the case of an ICF/IID that becomes a downsized 25969
ICF/IID or partially converted ICF/IID: 25970

(a) The period begins with the day that the ICF/IID becomes a 25971
downsized ICF/IID or partially converted ICF/IID. 25972

(b) The period ends on the last day of the last month of the 25973
first three full months of operation as a downsized ICF/IID or 25974
partially converted ICF/IID. 25975

(2) In the case of a new ICF/IID: 25976

(a) The period begins with the day that the provider 25977
agreement for the ICF/IID takes effect. 25978

(b) The period ends on the last day of the last month of the 25979
first three full months that the provider agreement is in effect. 25980

(C) The department shall refuse to accept a cost report filed 25981
under division (A) of this section if either of the following 25982
apply: 25983

(1) Except as provided in division (E) of section 5124.10 of 25984
the Revised Code, the provider fails to file the cost report with 25985
the department not later than ninety days after the last day of 25986
the period the cost report covers; 25987

(2) The cost report is incomplete or inadequate.	25988
(D) If the department accepts a cost report filed under	25989
division (A) of this section, the department shall use that cost	25990
report, rather than the cost report that otherwise would be used	25991
pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the	25992
Revised Code, to determine the ICF/IID's medicaid payment rate in	25993
accordance with this chapter for ICF/IID services the ICF/IID	25994
provides during the period that begins and ends as follows:	25995
(1) The period begins on the following:	25996
(a) In the case of an ICF/IID that becomes a downsized	25997
ICF/IID or partially converted ICF/IID:	25998
(i) The day that the ICF/IID becomes a downsized ICF/IID or	25999
partially converted ICF/IID if that day is the first day of a	26000
month;	26001
(ii) The first day of the month immediately following the	26002
month that the ICF/IID becomes a downsized ICF/IID or partially	26003
converted ICF/IID if division (D)(1)(a)(i) of this section does	26004
not apply.	26005
(b) In the case of a new ICF/IID, the day that the ICF/IID's	26006
provider agreement takes effect.	26007
(2) The period ends on the last day of the fiscal year that	26008
immediately precedes the fiscal year for which the ICF/IID begins	26009
to be paid a rate determined using a cost report that division (E)	26010
of this section requires be filed in accordance with division (A)	26011
of section 5124.10 of the Revised Code.	26012
(E)(1) If the department accepts a cost report filed under	26013
division (A) of this section for an ICF/IID that becomes a	26014
downsized ICF/IID or partially converted ICF/IID on or before the	26015
first day of October of a calendar year, or for a new ICF/IID that	26016
has a provider agreement that takes effect on or before that date,	26017

the provider also shall file a cost report for the ICF/IID in 26018
accordance with division (A) of section 5124.10 of the Revised 26019
Code for the portion of that calendar year that the ICF/IID 26020
operated as a downsized ICF/IID or partially converted ICF/IID or, 26021
in the case of a new ICF/IID, for the portion that the provider 26022
agreement was in effect. 26023

(2) If the department accepts a cost report filed under 26024
division (A) of this section for an ICF/IID that becomes a 26025
downsized ICF/IID or partially converted ICF/IID after the first 26026
day of October of a calendar year, or for a new ICF/IID that has a 26027
provider agreement that takes effect on or after that date, the 26028
provider is not required to file a cost report for that calendar 26029
year in accordance with division (A) of section 5124.10 of the 26030
Revised Code. The provider shall file a cost report for the 26031
ICF/IID in accordance with division (A) of section 5124.10 of the 26032
Revised Code for the immediately following calendar year. 26033

Sec. 5124.106. (A) If an ICF/IID provider required by section 26034
5124.10 of the Revised Code to file a cost report for the ICF/IID 26035
fails to file the cost report by the date it is due or the date, 26036
if any, to which the due date is extended pursuant to division (E) 26037
of that section, or files an incomplete or inadequate report for 26038
the ICF/IID under that section, the department of developmental 26039
disabilities shall ~~provide immediate~~ do both of the following: 26040

(1) Give written notice to the provider that the provider 26042
agreement for the ICF/IID will be terminated in thirty days unless 26043
the provider submits a complete and adequate cost report for the 26044
ICF/IID within thirty days. ~~During the thirty day termination~~ 26045
~~period or any additional time allowed for an appeal of the~~ 26046
~~proposed termination of a provider agreement, the provider shall~~ 26047
~~be paid the ICF/IID's then current per medicaid day payment rate,~~ 26048

~~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>	26080
<u>(1) The period shall begin on the following date:</u>	26081
<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>	26082 26083 26084 26085
<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>	26086 26087 26088 26089
<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>	26090 26091 26092 26093
Sec. 5124.15. (A) Except as otherwise provided by sections 5124.151 to 5124.154 of the Revised Code and division <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:	26094 26095 26096 26097 26098 26099 26100
(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code;	26101 26102 26103
(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code;	26104 26105 26106
(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised Code;	26107 26108 26109

(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.23 of the Revised Code.

(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.

(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.

~~(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.

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.

(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:

(1) The initial rate for capital costs shall be determined under section 5124.17 of the Revised Code using the greater of the

new ICF/IID's actual inpatient days or an imputed occupancy rate 26140
of eighty per cent. 26141

(2) The initial rate for direct care costs shall be 26142
determined as follows: 26143

(a) If there are no cost or resident assessment data for the 26144
new ICF/IID as necessary to determine a rate under section 5124.19 26145
of the Revised Code, the rate shall be determined as follows: 26146

(i) Determine the median cost per case-mix unit under 26147
division (B) of section 5124.19 of the Revised Code for the new 26148
ICF/IID's peer group for the calendar year immediately preceding 26149
the fiscal year in which the rate will be paid; 26150

(ii) Multiply the amount determined under division 26151
~~(A)~~(B)(2)(a)(i) of this section by the median annual average 26152
case-mix score for the new ICF/IID's peer group for that period; 26153

(iii) Adjust the product determined under division 26154
~~(A)~~(B)(2)(a)(ii) of this section by the rate of inflation 26155
estimated under division (D) of section 5124.19 of the Revised 26156
Code. 26157

(b) If the new ICF/IID is a replacement ICF/IID and the 26158
ICF/IID or ICFs/IID that are being replaced are in operation 26159
immediately before the new ICF/IID opens, the rate shall be the 26160
same as the rate for the replaced ICF/IID or ICFs/IID, 26161
proportionate to the number of ICF/IID beds in each replaced 26162
ICF/IID. 26163

(c) If the new ICF/IID is a replacement ICF/IID and the 26164
ICF/IID or ICFs/IID that are being replaced are not in operation 26165
immediately before the new ICF/IID opens, the rate shall be 26166
determined under division ~~(A)~~(B)(2)(a) of this section. 26167

(3) The initial rate for indirect care costs shall be the 26168
maximum rate for the new ICF/IID's peer group as determined for 26169

the fiscal year in accordance with division (C) of section 5124.21 26170
of the Revised Code. 26171

(4) The initial rate for other protected costs shall be one 26172
hundred fifteen per cent of the median rate for ICFs/IID 26173
determined for the fiscal year under section 5124.23 of the 26174
Revised Code. 26175

~~(B)~~(C) The initial total medicaid day payment rate for 26176
ICF/IID services provided by a new ICF/IID in peer group 3 shall 26177
be determined in the following manner: 26178

(1) The initial rate for capital costs shall be \$29.61. 26179

(2) The initial rate for direct care costs shall be \$264.89. 26180

(3) The initial rate for indirect care costs shall be \$59.85. 26181

(4) The initial rate for other protected costs shall be 26182
\$25.99. 26183

(D)(1) Except as provided in division ~~(B)~~(D)(2) of this 26184
section, the department shall adjust a new ICF/IID's initial total 26185
per medicaid day payment rate determined under this section 26186
effective the first day of July, to reflect new rate 26187
determinations for all ICFs/IID under this chapter. 26188

(2) If the department accepts, under division (A) of section 26189
5124.101 of the Revised Code, a cost report filed by the provider 26190
of a new ICF/IID, the department shall adjust the ICF/IID's 26191
initial total per medicaid day payment rate in accordance with 26192
divisions (D) and (E) of that section rather than division 26193
~~(B)~~(D)(1) of this section. 26194

Sec. 5124.17. (A) For each fiscal year, the department of 26195
developmental disabilities shall determine each ICF/IID's per 26196
medicaid day payment rate for reasonable capital costs. Except as 26197
otherwise provided in this chapter, an ICF/IID's rate shall be 26198
determined prospectively and based on the ICF/IID's capital costs 26199

for the calendar year preceding the fiscal year in which the rate 26200
will be paid. Subject to section 5124.28 of the Revised Code, an 26201
ICF/IID's rate shall equal the sum of the following: 26202

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 26203
costs of ownership for the immediately preceding cost reporting 26204
period, limited as provided in divisions (B) ~~and~~, (C), and (D) of 26205
this section; 26206

(2) The ICF/IID's per medicaid day payment for the ICF/IID's 26207
per diem capitalized costs of nonextensive renovations determined 26208
under division ~~(D)~~(E)(1) of this section if the ICF/IID qualifies 26209
for a payment for such costs as specified in division ~~(D)~~(E)(2) of 26210
this section; 26211

(3) The ICF/IID's per medicaid day efficiency incentive 26212
determined under division ~~(E)~~(F) of this section; 26213

~~(4) Until fiscal year 2015, the ICF/IID's return on net 26214
equity determined under division (F) of this section. 26215~~

(B) The costs of ownership per diem payment rates for 26216
ICFs/IID ~~with more than eight beds in peer group 1~~ shall not 26217
exceed the following limits as adjusted for inflation in 26218
accordance with division (G) of this section: 26219

(1) For ICFs/IID with dates of licensure prior to January 1, 26220
1958, not exceeding two dollars and fifty cents; 26221

(2) For ICFs/IID with dates of licensure after December 31, 26222
1957, but prior to January 1, 1968, not exceeding: 26223

(a) Three dollars and fifty cents if the cost of construction 26224
was three thousand five hundred dollars or more per bed; 26225

(b) Two dollars and fifty cents if the cost of construction 26226
was less than three thousand five hundred dollars per bed. 26227

(3) For ICFs/IID with dates of licensure after December 31, 26228
1967, but prior to January 1, 1976, not exceeding: 26229

(a) Four dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or more per bed;	26230 26231
(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;	26232 26233 26234
(c) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	26235 26236
(4) For ICFs/IID with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	26237 26238
(a) Five dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or more per bed;	26239 26240
(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;	26241 26242 26243
(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;	26244 26245 26246
(d) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	26247 26248
(5) For ICFs/IID with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	26249 26250
(a) Six dollars if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	26251 26252
(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;	26253 26254 26255
(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;	26256 26257 26258

(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;	26259 26260 26261
(e) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	26262 26263
(6) For ICFs/IID with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	26264 26265
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	26266 26267 26268
(b) Six dollars if the beds were originally licensed as nursing home beds by the department of health.	26269 26270
(7) For ICFs/IID with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	26271 26272
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	26273 26274 26275
(b) Six dollars and forty-five cents if the beds were originally licensed as nursing home beds by the department of health.	26276 26277 26278
(8) For ICFs/IID with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	26279 26280
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	26281 26282 26283
(b) Six dollars and seventy-nine cents if the beds were originally licensed as nursing home beds by the department of health.	26284 26285 26286
(9) For ICFs/IID with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	26287 26288

(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	26289 26290 26291
(b) Seven dollars and nine cents if the beds were originally licensed as nursing home beds by the department of health.	26292 26293
(10) For ICFs/IID with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	26294 26295
(a) Twelve dollars and twenty-four cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	26296 26297 26298
(b) Seven dollars and twenty-three cents if the beds were originally licensed as nursing home beds by the department of health.	26299 26300 26301
(11) For ICFs/IID with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	26302 26303
(a) Twelve dollars and fifty-three cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	26304 26305 26306
(b) Seven dollars and forty cents if the beds were originally licensed as nursing home beds by the department of health.	26307 26308
(12) For ICFs/IID with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:	26309 26310
(a) Twelve dollars and seventy cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	26311 26312 26313
(b) Seven dollars and fifty cents if the beds were originally licensed as nursing home beds by the department of health.	26314 26315
(13) For ICFs/IID with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:	26316 26317

(a) Twelve dollars and ninety-nine cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	26318 26319 26320
(b) Seven dollars and sixty-seven cents if the beds were originally licensed as nursing home beds by the department of health.	26321 26322 26323
(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;	26324 26325 26326
(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;	26327 26328 26329
(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;	26330 26331 26332
(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;	26333 26334 26335
(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;	26336 26337 26338
(19) For ICFs/IID with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents.	26339 26340
(C)(1) The costs of ownership per diem payment rate for an ICF/IID with eight or fewer beds <u>in peer group 2</u> shall not exceed the following limits:	26341 26342 26343
(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:	26344 26345 26346
(i) The ICF/IID has a date of licensure, or was granted	26347

project authorization by the department of developmental 26348
disabilities, before July 1, 1993. 26349

(ii) The ICF/IID has a date of licensure, or was granted 26350
project authorization by the department, on or after July 1, 1993, 26351
and the provider demonstrates that the provider made substantial 26352
commitments of funds for the ICF/IID before that date. 26353

(iii) The ICF/IID has a date of licensure, or was granted 26354
project authorization by the department, on or after July 1, 1993, 26355
the provider made no substantial commitment of funds for the 26356
ICF/IID before that date, and the department of job and family 26357
services or department of developmental disabilities gave prior 26358
approval for the ICF/IID's construction. 26359

(b) If division (C)(1)(a) of this section does not apply to 26360
the ICF/IID, the amount that would apply to the ICF/IID under 26361
division (B) of this section if it ~~had more than eight beds~~ were 26362
in peer group 1. 26363

(2) The eighteen-dollar and thirty-cent payment rate 26364
specified in division (C)(1)(a) of this section shall be increased 26365
as follows: 26366

(a) For the period beginning June 30, 1990, and ending July 26367
1, 1993, by the change in the "Dodge building cost indexes, 26368
northeastern and north central states," published by Marshall and 26369
Swift; 26370

(b) For each fiscal year thereafter, in accordance with 26371
division (G) of this section. 26372

(D) The costs of ownership per diem payment rate for an 26373
ICF/IID in peer group 3 shall not exceed the amount that is used 26374
for the purpose of division (C)(1)(a) of this section and is in 26375
effect on July 1, 2014. That rate shall be increased each fiscal 26376
year that begins after the effective date of this section in 26377
accordance with division (G) of this section. 26378

(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) ~~Fifty per cent for fiscal year 2014;~~ 26441

~~(ii) Fifty per cent for fiscal year 2015 and each fiscal year~~ 26442
~~thereafter~~ if the provider of the ICF/IID obtains the department's 26443
approval to become a downsized ICF/IID and the approval is 26444
conditioned on the downsizing being completed not later than July 26445
1, 2018; 26446

~~(iii)~~(ii) Twenty-five per cent if division (F)(1)(a)(i) of 26447
this section does not apply; 26448

(b) In the case of an ICF/IID ~~with eight or fewer beds in~~ 26449
peer group 2 or peer group 3, fifty per cent. 26450

(2) The efficiency incentive payment rate for an ICF/IID ~~with~~ 26451
~~eight or fewer beds in peer group 2 or peer group 3~~ shall not 26452
exceed three dollars per medicaid day, adjusted annually in 26453
accordance with division (G) of this section. For the purpose of 26454
determining an ICF/IID's efficiency incentive payment rate, both 26455
of the following apply: 26456

(a) Depreciation for costs paid or reimbursed by any 26457
government agency shall be considered as a cost of ownership; 26458

(b) The applicable limit under division (B) of this section 26459
shall apply ~~both to all ICFs/IID with more than eight beds and~~ 26460
~~ICFs/IID with eight or fewer beds~~ regardless of which peer group 26461
they are in. 26462

~~(F) An ICF/IID's return on net equity shall be determined at~~ 26463
~~the rate of one and one half times the average of interest rates~~ 26464
~~on special issues of public debt obligations issued to the federal~~ 26465
~~hospital insurance trust fund for the cost reporting period. In~~ 26466
~~determining an ICF/IID's rate for return on net equity, the~~ 26467
~~department shall use the greater of the ICF/IID's inpatient days~~ 26468
~~during the applicable cost reporting period or the number of~~ 26469
~~inpatient days the ICF/IID would have had during that period if~~ 26470
~~the ICF/IID's occupancy rate had been ninety five per cent. No~~ 26471

~~ICF/IID's rate for return on net equity shall exceed one dollar 26472
per medicaid day. No ICF/IID's rate for capital costs shall 26473
include a rate for return on net equity beginning July 1, 2014. 26474~~

(G) The amounts specified in divisions (B), (C), (D), ~~and~~ 26475
(E), ~~and (F)~~ of this section shall be adjusted beginning ~~July 1,~~ 26476
~~1993,~~ on the first day of each fiscal year for the estimated 26477
inflation rate for the twelve-month period beginning on the first 26478
day of July of the calendar year immediately preceding the 26479
calendar year that immediately precedes the fiscal year for which 26480
rate will be paid and ending on the thirtieth day of the following 26481
June, using the consumer price index for shelter costs for all 26482
urban consumers for the midwest region, as published by the United 26483
States bureau of labor statistics. 26484

(H) Notwithstanding divisions (C) and ~~(D)~~(E) of this section, 26485
the total payment rate for costs of ownership, capitalized costs 26486
of nonextensive renovations, and the efficiency incentive for an 26487
ICF/IID ~~with eight or fewer beds in peer group 2~~ shall not exceed 26488
the sum of the limitations specified in divisions (C) and ~~(D)~~(E) 26489
of this section. Notwithstanding divisions (D) and (E) of this 26490
section, the total payment rate for costs of ownership, 26491
capitalized costs of nonextensive renovations, and the efficiency 26492
incentive for an ICF/IID in peer group 3 shall not exceed the sum 26493
of the limitations specified in divisions (D) and (E) of this 26494
section. 26495

~~(H)~~ 26496

(I)(1) For the purpose of determining ICFs/IID's medicaid 26497
payment rates for capital costs: 26498

(a) Buildings shall be depreciated using the straight line 26499
method over forty years or over a different period approved by the 26500
department. 26501

(b) Components and equipment shall be depreciated using the 26502

straight line method over a period designated by the director of 26503
developmental disabilities in rules adopted under section 5124.03 26504
of the Revised Code, consistent with the guidelines of the 26505
American hospital association, or over a different period approved 26506
by the department. 26507

(2) Any rules authorized by division (I)(1) of this section 26508
that specify useful lives of buildings, components, or equipment 26509
apply only to assets acquired on or after July 1, 1993. 26510
Depreciation for costs paid or reimbursed by any government agency 26511
shall not be included in costs of ownership or costs of 26512
nonextensive renovations unless that part of the payment under 26513
this chapter is used to reimburse the government agency. 26514

(J)(1) Except as provided in division (J)(2) of this section, 26515
if a provider leases or transfers an interest in an ICF/IID to 26516
another provider who is a related party, the related party's 26517
allowable costs of ownership shall include the lesser of the 26518
following: 26519

(a) The annual lease expense or actual cost of ownership, 26520
whichever is applicable; 26521

(b) The reasonable cost to the lessor or provider making the 26522
transfer. 26523

(2) If a provider leases or transfers an interest in an 26524
ICF/IID to another provider who is a related party, regardless of 26525
the date of the lease or transfer, the related party's allowable 26526
cost of ownership shall include the annual lease expense or actual 26527
cost of ownership, whichever is applicable, subject to the 26528
limitations specified in divisions (B) to (I) of this section, if 26529
all of the following conditions are met: 26530

(a) The related party is a relative of owner; 26531

(b) In the case of a lease, if the lessor retains any 26532
ownership interest, it is, except as provided in division 26533

(J)(2)(d)(ii) of this section, in only the real property and any 26534
improvements on the real property; 26535

(c) In the case of a transfer, the provider making the 26536
transfer retains, except as provided in division (J)(2)(d)(iv) of 26537
this section, no ownership interest in the ICF/IID; 26538

(d) The department determines that the lease or transfer is 26539
an arm's length transaction pursuant to rules adopted under 26540
section 5124.03 of the Revised Code. The rules shall provide that 26541
a lease or transfer is an arm's length transaction if all of the 26542
following, as applicable, apply: 26543

(i) In the case of a lease, once the lease goes into effect, 26544
the lessor has no direct or indirect interest in the lessee or, 26545
except as provided in division (J)(2)(b) of this section, the 26546
ICF/IID itself, including interest as an owner, officer, director, 26547
employee, independent contractor, or consultant, but excluding 26548
interest as a lessor. 26549

(ii) In the case of a lease, the lessor does not reacquire an 26550
interest in the ICF/IID except through the exercise of a lessor's 26551
rights in the event of a default. If the lessor reacquires an 26552
interest in the ICF/IID in this manner, the department shall treat 26553
the ICF/IID as if the lease never occurred when the department 26554
determines its payment rate for capital costs. 26555

(iii) In the case of a transfer, once the transfer goes into 26556
effect, the provider that made the transfer has no direct or 26557
indirect interest in the provider that acquires the ICF/IID or the 26558
ICF/IID itself, including interest as an owner, officer, director, 26559
employee, independent contractor, or consultant, but excluding 26560
interest as a creditor. 26561

(iv) In the case of a transfer, the provider that made the 26562
transfer does not reacquire an interest in the ICF/IID except 26563
through the exercise of a creditor's rights in the event of a 26564

default. If the provider reacquires an interest in the ICF/IID in 26565
this manner, the department shall treat the ICF/IID as if the 26566
transfer never occurred when the department determines its payment 26567
rate for capital costs. 26568

(v) The lease or transfer satisfies any other criteria 26569
specified in the rules. 26570

(e) Except in the case of hardship caused by a catastrophic 26571
event, as determined by the department, or in the case of a lessor 26572
or provider making the transfer who is at least sixty-five years 26573
of age, not less than twenty years have elapsed since, for the 26574
same ICF/IID, allowable cost of ownership was determined most 26575
recently under this division. 26576

Sec. 5124.19. (A)(1) For each fiscal year, the department of 26577
developmental disabilities shall determine each ICF/IID's per 26578
medicaid day payment rate for direct care costs as follows: 26579

(a) Multiply the lesser of the following by the ICF/IID's 26580
annual average case-mix score determined or assigned under section 26581
5124.192 of the Revised Code for the calendar year immediately 26582
preceding the fiscal year for which the rate will be paid: 26583

(i) The ICF/IID's cost per case-mix unit for the calendar 26584
year immediately preceding the fiscal year for which the rate will 26585
be paid, as determined under division (B) of this section; 26586

(ii) The maximum cost per case-mix unit for the ICF/IID's 26587
peer group for the fiscal year for which the rate will be paid, as 26588
set under division (C) of this section; 26589

(b) Adjust the product determined under division (A)(1)(a) of 26590
this section by the inflation rate estimated under division (D)(1) 26591
of this section and modified under division (D)(2) of this 26592
section. 26593

(2) Except as otherwise directed by law enacted by the 26594

general assembly, the department shall determine each ICF/IID's 26595
rate for direct care costs prospectively. 26596

(B) To determine an ICF/IID's cost per case-mix unit for the 26597
calendar year immediately preceding the fiscal year in which the 26598
rate will be paid, the department shall divide the ICF/IID's 26599
desk-reviewed, actual, allowable, per diem direct care costs for 26600
that calendar year by its annual average case-mix score determined 26601
under section 5124.192 of the Revised Code for the same calendar 26602
year. 26603

(C)(1) For each fiscal year for which a rate will be paid, 26604
the department shall set the maximum cost per case-mix unit for 26605
~~each peer group of ICFs/IID with more than eight beds in peer~~ 26606
group 1 at a percentage above the cost per case-mix unit 26607
determined under division (B) of this section for the ICF/IID in 26608
~~the peer group 1~~ that has the peer group's median number of 26609
medicaid days for the calendar year immediately preceding the 26610
fiscal year in which the rate will be paid. The percentage shall 26611
be no less than ~~the percentage above the cost per case-mix unit~~ 26612
~~determined under division (B) of this section for the ICF/IID that~~ 26613
~~has the median number of medicaid days for calendar year 1992 for~~ 26614
~~all ICFs/IID with more than eight beds that would result in~~ 26615
~~payment of all desk-reviewed, actual, allowable direct care costs~~ 26616
~~for eighty and one-half per cent of the medicaid days for such~~ 26617
~~ICFs/IID for calendar year 1992~~ twenty-two and forty-six 26618
hundredths per cent. 26619

(2) For each fiscal year for which a rate will be paid, the 26620
department shall set the maximum cost per case-mix unit for ~~each~~ 26621
~~peer group of ICFs/IID with eight or fewer beds in peer group 2~~ at 26622
a percentage above the cost per case-mix unit determined under 26623
division (B) of this section for the ICF/IID in ~~the peer group 2~~ 26624
that has the peer group's median number of medicaid days for the 26625
calendar year immediately preceding the fiscal year in which the 26626

rate will be paid. The percentage shall be no less than ~~the~~ 26627
~~percentage above the cost per case mix unit determined under~~ 26628
~~division (B) of this section for the ICF/IID that has the median~~ 26629
~~number of medicaid days for calendar year 1992 for all ICFs/IID~~ 26630
~~with eight or fewer beds that would result in payment of all~~ 26631
~~desk reviewed, actual, allowable direct care costs for eighty and~~ 26632
~~one half per cent of the medicaid days for such ICFs/IID for~~ 26633
~~calendar year 1992~~ eighteen and eight-tenths per cent. 26634

(3) For each fiscal year for which a rate will be paid, the 26635
department shall set the maximum cost per case-mix unit for 26636
ICFs/IID in peer group 3 at the ninety-fifth percentile of all 26637
ICFs/IID in peer group 3 for the calendar year immediately 26638
preceding the fiscal year in which the rate will be paid. 26639

(4) In determining the maximum cost per case-mix unit under 26640
divisions (C)(1) and (2) of this section for ~~each~~ peer group 1 and 26641
peer group 2, the department shall exclude from its determinations 26642
the cost per case-mix unit of any ICF/IID in ~~the~~ peer group 1 or 26643
peer group 2 that participated in the medicaid program under the 26644
same provider for less than twelve months during the calendar year 26645
immediately preceding the fiscal year in which the rate will be 26646
paid. 26647

~~(4)~~(5) The department shall not reset a peer group's maximum 26648
cost per case-mix unit for a fiscal year under division (C)(1) ~~or,~~ 26649
(2), or (3) of this section based on additional information that 26650
it receives after it sets the maximum for that fiscal year. The 26651
department shall reset a peer group's maximum cost per case-mix 26652
unit for a fiscal year only if it made an error in setting the 26653
maximum for that fiscal year based on information available to the 26654
department at the time it originally sets the maximum for that 26655
fiscal year. 26656

(D)(1) The department shall estimate the rate of inflation 26657
for the eighteen-month period beginning on the first day of July 26658

of the calendar year preceding the fiscal year in which a rate 26659
will be paid and ending on the thirty-first day of December of the 26660
fiscal year in which the rate will be paid, using the following: 26661

(a) Subject to division (D)(1)(b) of this section, the 26662
employment cost index for total compensation, health care and 26663
social assistance component, published by the United States bureau 26664
of labor statistics; 26665

(b) If the United States bureau of labor statistics ceases to 26666
publish the index specified in division (D)(1)(a) of this section, 26667
the index that is subsequently published by the bureau and covers 26668
the staff costs of ICFs/IID. 26669

(2) If the estimated inflation rate for the eighteen-month 26670
period specified in division (D)(1) of this section is different 26671
from the actual inflation rate for that period, as measured using 26672
the same index, the difference shall be added to or subtracted 26673
from the inflation rate estimated under division (D)(1) of this 26674
section for the following fiscal year. 26675

~~(E) The director of developmental disabilities shall adopt 26676
rules under section 5124.03 of the Revised Code that specify peer 26677
groups of ICFs/IID with more than eight beds and peer groups of 26678
ICFs/IID with eight or fewer beds, based on findings of 26679
significant per diem direct care cost differences due to geography 26680
and bed size. The rules also may specify peer groups based on 26681
findings of significant per diem direct care cost differences due 26682
to other factors which may include case mix. 26683~~

Sec. 5124.21. (A) For each fiscal year, the department of 26684
developmental disabilities shall determine each ICF/IID's per 26685
medicaid day payment rate for indirect care costs. Except as 26686
otherwise provided in this chapter, an ICF/IID's rate shall be 26687
determined prospectively. Subject to section 5124.28 of the 26688
Revised Code, an ICF/IID's rate shall be the lesser of the 26689

individual rate determined under division (B) of this section and 26690
the maximum rate determined for the ICF/IID's peer group under 26691
division (C) of this section. 26692

(B) An ICF/IID's individual rate is the sum of the following: 26693

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 26694
indirect care costs from the calendar year immediately preceding 26695
the fiscal year in which the rate will be paid, adjusted for the 26696
inflation rate estimated under division ~~(D)~~(E)(1) of this section; 26697

~~(2) If the ICF/IID has more than eight beds~~ Subject to 26698
division (D) of this section, an efficiency incentive ~~in the~~ 26699
~~following amount:~~ 26700

~~(a) For fiscal year 2014, seven and one tenth per cent of the~~ 26701
~~maximum rate established for the ICF/IID's peer group under~~ 26702
~~division (C) of this section;~~ 26703

~~(b) For fiscal year 2015, the following amount:~~ 26704

~~(i) The amount calculated for fiscal year 2014 under division~~ 26705
~~(B)(2)(a) of this section if the provider of the ICF/IID obtains~~ 26706
~~the department's approval to become a downsized ICF/IID and the~~ 26707
~~approval is conditioned on the downsizing being completed not~~ 26708
~~later than July 1, 2018;~~ 26709

~~(ii) One half of the amount calculated for fiscal year 2014~~ 26710
~~under division (B)(2)(a) of this section if division (B)(2)(b)(i)~~ 26711
~~of this section does not apply to the ICF/IID~~ equal to the 26712
difference between the amount of the per diem indirect care costs 26713
determined for the ICF/IID under division (B)(1) of this section 26714
for the fiscal year in which the rate will be paid and the maximum 26715
rate established for the ICF/IID's peer group under division (C) 26716
of this section for that fiscal year. 26717

~~(c) For fiscal year 2016 and each fiscal year thereafter~~ 26718
~~ending in an even numbered calendar year, the following~~ 26719

~~percentages of the maximum rate established for the ICF/IID's peer group under division (C) of this section:~~ 26720
26721

~~(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;~~ 26722
26723
26724
26725

~~(ii) Three and fifty five hundredths per cent if division (B)(2)(c)(i) of this section does not apply to the ICF/IID.~~ 26726
26727

~~(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.~~ 26728
26729
26730
26731

~~(3) If the ICF/IID has eight or fewer beds, an efficiency incentive in the following amount:~~ 26732
26733

~~(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;~~ 26734
26735
26736

~~(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.~~ 26737
26738
26739

(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: 26740
26741
26742

(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 26743
26744
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26749

desk-reviewed, actual, allowable, per diem indirect care cost for 26750
all ICFs/IID ~~with more than eight beds in peer group 1~~) for the 26751
calendar year immediately preceding the fiscal year in which the 26752
rate will be paid, adjusted by the inflation rate estimated under 26753
division ~~(D)~~(E)(1) of this section. 26754

(b) For each fiscal year ending in an odd-numbered calendar 26755
year, the maximum rate for ~~each such ICFs/IID in peer group 1~~ is 26756
the ~~peer group's~~ maximum rate for ICFs/IID in peer group 1 for the 26757
previous fiscal year, adjusted for the inflation rate estimated 26758
under division ~~(D)~~(E)(2) of this section. 26759

(2) The maximum rate for indirect care costs for ~~each peer~~ 26760
~~group of ICFs/IID with eight or fewer beds in peer group 2 or peer~~ 26761
group 3 shall be determined as follows: 26762

(a) For each fiscal year ending in an even-numbered calendar 26763
year, the maximum rate for ~~each such ICFs/IID in peer group 2 or~~ 26764
peer group 3 shall be the rate that is no less than ten and 26765
three-tenths per cent above the median desk-reviewed, actual, 26766
allowable, per diem indirect care cost for all ICFs/IID in ~~the~~ 26767
peer group 2 or peer group 3 (excluding ICFs/IID in ~~the~~ peer group 26768
2 or peer group 3 whose indirect care costs are more than three 26769
standard deviations from the mean desk-reviewed, actual, 26770
allowable, per diem indirect care cost for all ICFs/IID ~~with eight~~ 26771
~~or fewer beds in peer group 2 or peer group 3~~) for the calendar 26772
year immediately preceding the fiscal year in which the rate will 26773
be paid, adjusted by the inflation rate estimated under division 26774
~~(D)~~(E)(1) of this section. 26775

(b) For each fiscal year ending in an odd-numbered calendar 26776
year, the maximum rate for ~~each such ICFs/IID in peer group 2 or~~ 26777
peer group 3 is the ~~peer group's~~ maximum rate for ICFs/IID in peer 26778
group 2 or peer group 3 for the previous fiscal year, adjusted for 26779
the inflation rate estimated under division ~~(D)~~(E)(2) of this 26780
section. 26781

(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

(D)(1)(c)(i) of this section does not apply to the ICF/IID. 26812

(d) For fiscal year 2017 and each fiscal year thereafter 26813
ending in an odd-numbered calendar year, the amount calculated for 26814
the immediately preceding fiscal year under division (D)(1)(c) of 26815
this section. 26816

(2) The efficiency incentive for an ICF/IID in peer group 2 26817
or peer group 3 shall not exceed the following: 26818

(a) For each fiscal year ending in an even-numbered calendar 26819
year, seven per cent of the maximum rate established for ICFs/IID 26820
in peer group 2 or peer group 3 under division (C) of this 26821
section; 26822

(b) For each fiscal year ending in an odd-numbered calendar 26823
year, the amount calculated for the immediately preceding fiscal 26824
year under division (D)(2)(a) of this section. 26825

(E)(1) When adjusting rates for inflation under divisions 26826
(B)(1), (C)(1)(a), and (C)(2)(a) of this section, the department 26827
shall estimate the rate of inflation for the eighteen-month period 26828
beginning on the first day of July of the calendar year 26829
immediately preceding the fiscal year in which the rate will be 26830
paid and ending on the thirty-first day of December of the fiscal 26831
year in which the rate will be paid. To estimate the rate of 26832
inflation, the department shall use the following: 26833

(a) Subject to division ~~(D)~~(E)(1)(b) of this section, the 26834
consumer price index for all items for all urban consumers for the 26835
midwest region, published by the United States bureau of labor 26836
statistics; 26837

(b) If the United States bureau of labor statistics ceases to 26838
publish the index specified in division ~~(D)~~(E)(1)(a) of this 26839
section, a comparable index that the bureau publishes and the 26840
department determines is appropriate. 26841

(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 26873
developmental disabilities may adopt rules under section 5124.03 26874
of the Revised Code that provide for the determination of a 26875
combined maximum payment limit for indirect care costs and costs 26876
of ownership for ICFs/IID ~~with eight or fewer beds in peer group~~ 26877
2. 26878

Sec. 5124.38. (A) The director of developmental disabilities 26879
shall establish a process under which an ICF/IID provider, or a 26880
group or association of ICF/IID providers, may seek 26881
reconsideration of medicaid payment rates established under this 26882
chapter, including a rate for direct care costs redetermined 26883
before the effective date of the rate as a result of an exception 26884
review conducted under section 5124.193 of the Revised Code. 26885
Except as provided in divisions (B) to (D) of this section, the 26886
only issue that a provider, group, or association may raise in the 26887
rate reconsideration is whether the rate was calculated in 26888
accordance with this chapter and the rules adopted under section 26889
5124.03 of the Revised Code. The provider, group, or association 26890
may submit written arguments or other materials that support its 26891
position. The provider, group, or association and department shall 26892
take actions regarding the rate reconsideration within time frames 26893
specified in rules authorized by this section. 26894

If the department determines, as a result of the rate 26895
reconsideration, that the rate established for one or more 26896
ICFs/IID is less than the rate to which the ICF/IID is entitled, 26897
the department shall increase the rate. If the department has paid 26898
the incorrect rate for a period of time, the department shall pay 26899
the provider of the ICF/IID the difference between the amount the 26900
provider was paid for that period for the ICF/IID and the amount 26901
the provider should have been paid for the ICF/IID. 26902

(B)(1) The department, through the rate reconsideration 26903

process, may increase during a fiscal year the medicaid payment 26904
rate determined for an ICF/IID under this chapter if the provider 26905
demonstrates that the ICF/IID's actual, allowable costs have 26906
increased because of any of the following extreme circumstances: 26907

(a) A natural disaster; 26908

(b) A nonextensive renovation approved under division ~~(D)~~(E) 26909
of section 5124.17 of the Revised Code; 26910

(c) If the ICF/IID has an appropriate claims management 26911
program, an increase in the ICF/IID's workers' compensation 26912
experience rating of greater than five per cent; 26913

(d) If the ICF/IID is an inner-city ICF/IID, increased 26914
security costs; 26915

(e) A change of ownership that results from bankruptcy, 26916
foreclosure, or findings by the department of health of violations 26917
of medicaid certification requirements; 26918

(f) Other extreme circumstances specified in rules authorized 26919
by this section. 26920

(2) An ICF/IID may qualify for a rate increase under this 26921
division only if its per diem, actual, allowable costs have 26922
increased to a level that exceeds its total rate. An increase 26923
under this division is subject to any rate limitations or maximum 26924
rates established by this chapter for specific cost centers. Any 26925
rate increase granted under this division shall take effect on the 26926
first day of the first month after the department receives the 26927
request. 26928

(C) The department, through the rate reconsideration process, 26929
may increase an ICF/IID's rate as determined under this chapter if 26930
the department, in the department's sole discretion, determines 26931
that the rate as determined under those sections works an extreme 26932
hardship on the ICF/IID. 26933

(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 26966
implement this section. 26967

Sec. 5124.60. (A) For the purpose of increasing the number of 26968
slots available for home and community-based services ~~and subject~~ 26969
~~to sections 5124.63 and 5124.64 of the Revised Code,~~ the operator 26970
of an ICF/IID may convert some or all of the beds in the ICF/IID 26971
from providing ICF/IID services to providing home and 26972
community-based services if all of the following requirements are 26973
met: 26974

(1) The operator provides the directors of health and 26975
developmental disabilities at least ninety days' notice of the 26976
operator's intent to make the conversion. 26977

(2) The operator complies with the requirements of sections 26978
5124.50 to 5124.53 of the Revised Code regarding a voluntary 26979
termination if those requirements are applicable. 26980

(3) If the operator intends to convert all of the ICF/IID's 26981
beds, the operator notifies each of the ICF/IID's residents that 26982
the ICF/IID is to cease providing ICF/IID services and inform each 26983
resident that the resident may do either of the following: 26984

(a) Continue to receive ICF/IID services by transferring to 26985
another ICF/IID that is willing and able to accept the resident if 26986
the resident continues to qualify for ICF/IID services; 26987

(b) Begin to receive home and community-based services 26988
instead of ICF/IID services from any provider of home and 26989
community-based services that is willing and able to provide the 26990
services to the resident if the resident is eligible for the 26991
services and a slot for the services is available to the resident. 26992

(4) If the operator intends to convert some but not all of 26993
the ICF/IID's beds, the operator notifies each of the ICF/IID's 26994
residents that the ICF/IID is to convert some of its beds from 26995

providing ICF/IID services to providing home and community-based	26996
services and inform each resident that the resident may do either	26997
of the following:	26998
(a) Continue to receive ICF/IID services from any ICF/IID	26999
that is willing and able to provide the services to the resident	27000
if the resident continues to qualify for ICF/IID services;	27001
(b) Begin to receive home and community-based services	27002
instead of ICF/IID services from any provider of home and	27003
community-based services that is willing and able to provide the	27004
services to the resident if the resident is eligible for the	27005
services and a slot for the services is available to the resident.	27006
(5) The operator meets the requirements for providing home	27007
and community-based services, including the following:	27008
(a) Such requirements applicable to a residential facility if	27009
the operator maintains the facility's license as a residential	27010
facility;	27011
(b) Such requirements applicable to a facility that is not	27012
licensed as a residential facility if the operator surrenders the	27013
facility's license as a residential facility under section 5123.19	27014
of the Revised Code.	27015
(6) The director of developmental disabilities approves the	27016
conversion.	27017
(B) A decision by the director of developmental disabilities	27018
to approve or refuse to approve a proposed conversion of beds is	27019
final. In making a decision, the director shall consider all of	27020
the following:	27021
(1) The fiscal impact on the ICF/IID if some but not all of	27022
the beds are converted;	27023
(2) The fiscal impact on the medicaid program;	27024
(3) The availability of home and community-based services.	27025

(C) The notice provided to the directors under division 27026
(A)(1) of this section shall specify whether some or all of the 27027
ICF/IID's beds are to be converted. If some but not all of the 27028
beds are to be converted, the notice shall specify how many of the 27029
ICF/IID's beds are to be converted and how many of the beds are to 27030
continue to provide ICF/IID services. The notice to the director 27031
of developmental disabilities shall specify whether the operator 27032
wishes to surrender the ICF/IID's license as a residential 27033
facility under section 5123.19 of the Revised Code. 27034

(D)(1) If the director of developmental disabilities approves 27035
a conversion under division (B) of this section, the director of 27036
health shall do the following: 27037

(a) Terminate the ICF/IID's medicaid certification if the 27038
notice specifies that all of the ICF/IID's beds are to be 27039
converted; 27040

(b) Reduce the ICF/IID's medicaid-certified capacity by the 27041
number of beds being converted if the notice specifies that some 27042
but not all of the beds are to be converted. 27043

(2) The director of health shall notify the medicaid director 27044
of the termination or reduction. On receipt of the notice, the 27045
medicaid director shall do the following: 27046

(a) Terminate the operator's medicaid provider agreement that 27047
authorizes the operator to provide ICF/IID services at the ICF/IID 27048
if the ICF/IID's certification was terminated; 27049

(b) Amend the operator's medicaid provider agreement to 27050
reflect the ICF/IID's reduced medicaid-certified capacity if the 27051
ICF/IID's medicaid-certified capacity is reduced. 27052

(3) In the case of action taken under division (D)(2)(a) of 27053
this section, the operator is not entitled to notice or a hearing 27054
under Chapter 119. of the Revised Code before the medicaid 27055
director terminates the medicaid provider agreement. 27056

Sec. 5124.61. (A) For the purpose of increasing the number of 27057
slots available for home and community-based services ~~and subject~~ 27058
~~to sections 5124.63 and 5124.64 of the Revised Code~~, a person who 27059
acquires, through a request for proposals issued by the director 27060
of developmental disabilities, an ICF/IID for which a residential 27061
facility license was previously surrendered or revoked may convert 27062
some or all of the ICF/IID's beds from providing ICF/IID services 27063
to providing home and community-based services if all of the 27064
following requirements are met: 27065

(1) The person provides the directors of health and 27066
developmental disabilities and medicaid director at least ninety 27067
days' notice of the person's intent to make the conversion. 27068

(2) The person complies with the requirements of sections 27069
5124.50 to 5124.53 of the Revised Code regarding a voluntary 27070
termination if those requirements are applicable. 27071

(3) If the person intends to convert all of the ICF/IID's 27072
beds, the person notifies each of the ICF/IID's residents that the 27073
ICF/IID is to cease providing ICF/IID services and informs each 27074
resident that the resident may do either of the following: 27075

(a) Continue to receive ICF/IID services by transferring to 27076
another ICF/IID willing and able to accept the resident if the 27077
resident continues to qualify for ICF/IID services; 27078

(b) Begin to receive home and community-based services 27079
instead of ICF/IID services from any provider of home and 27080
community-based services that is willing and able to provide the 27081
services to the resident if the resident is eligible for the 27082
services and a slot for the services is available to the resident. 27083

(4) If the person intends to convert some but not all of the 27084
ICF/IID's beds, the person notifies each of the ICF/IID's 27085
residents that the ICF/IID is to convert some of its beds from 27086

providing ICF/IID services to providing home and community-based 27087
services and inform each resident that the resident may do either 27088
of the following: 27089

(a) Continue to receive ICF/IID services from any that is 27090
willing and able to provide the services to the resident if the 27091
resident continues to qualify for ICF/IID services; 27092

(b) Begin to receive home and community-based services 27093
instead of ICF/IID services from any provider of home and 27094
community-based services that is willing and able to provide the 27095
services to the resident if the resident is eligible for the 27096
services and a slot for the services is available to the resident. 27097

(5) The person meets the requirements for providing home and 27098
community-based services at a residential facility. 27099

(B) The notice provided to the directors under division 27100
(A)(1) of this section shall specify whether some or all of the 27101
ICF/IID's beds are to be converted. If some but not all of the 27102
beds are to be converted, the notice shall specify how many of the 27103
ICF/IID's beds are to be converted and how many of the beds are to 27104
continue to provide ICF/IID services. 27105

(C) On receipt of a notice under division (A)(1) of this 27106
section, the director of health shall do the following: 27107

(1) Terminate the ICF/IID's medicaid certification if the 27108
notice specifies that all of the facility's beds are to be 27109
converted; 27110

(2) Reduce the ICF/IID's medicaid-certified capacity by the 27111
number of beds being converted if the notice specifies that some 27112
but not all of the beds are to be converted. 27113

(D) The director of health shall notify the medicaid director 27114
of the termination or reduction under division (C) of this 27115
section. On receipt of the director of health's notice, the 27116

medicaid director shall do the following: 27117

(1) Terminate the person's medicaid provider agreement that 27118
authorizes the person to provide ICF/IID services at the ICF/IID 27119
if the ICF/IID's medicaid certification was terminated; 27120

(2) Amend the person's medicaid provider agreement to reflect 27121
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's 27122
medicaid-certified capacity is reduced. 27123

The person is not entitled to notice or a hearing under 27124
Chapter 119. of the Revised Code before the medicaid director 27125
terminates or amends the medicaid provider agreement. 27126

Sec. 5124.62. ~~Subject to section 5124.63 of the Revised Code,~~ 27127
~~the~~ The director of developmental disabilities may request that 27128
the medicaid director seek the approval of the United States 27129
secretary of health and human services to increase the number of 27130
slots available for home and community-based services by a number 27131
not exceeding the number of beds that were part of the licensed 27132
capacity of a residential facility that had its license revoked or 27133
surrendered under section 5123.19 of the Revised Code if the 27134
residential facility was an ICF/IID at the time of the license 27135
revocation or surrender. ~~The revocation or surrender may have~~ 27136
~~occurred before, or may occur on or after, June 24, 2008.~~ The 27137
request may include beds the director of developmental 27138
disabilities removed from such a residential facility's licensed 27139
capacity before transferring ownership or operation of the 27140
residential facility pursuant to a request for proposals. 27141

Sec. 5124.67. (A)(1) The department of developmental 27142
disabilities shall strive to achieve, not later than July 1, 2018, 27143
the following statewide reductions in ICF/IID beds: 27144

~~(1)(a)~~ (a) At least five hundred ~~and not more than six hundred~~ 27145
beds in ICFs/IID that, before becoming downsized ICFs/IID, have 27146

sixteen or more beds; 27147

~~(2)(b)~~ At least five hundred ~~and not more than six hundred~~ 27148
beds in ICFs/IID with any number of beds that convert some or all 27149
of their beds from providing ICF/IID services to providing home 27150
and community-based services pursuant to section 5124.60 or 27151
5124.61 of the Revised Code. 27152

(2) The department shall strive to achieve a reduction of at 27153
least one thousand two hundred ICF/IID beds through a combination 27154
of the methods specified in divisions (A)(1)(a) and (b) of this 27155
section. 27156

(B) In its efforts to achieve the reductions under division 27157
(A) of this section, the department shall collaborate with the 27158
Ohio association of county boards serving people with 27159
developmental disabilities, the Ohio provider resource 27160
association, the Ohio centers for intellectual disabilities formed 27161
by the Ohio health care association, and the values and faith 27162
alliance. The collaboration efforts may include the following: 27163

(1) Identifying ICFs/IID that may reduce the number of their 27164
beds to help achieve the reductions under division (A) of this 27165
section; 27166

(2) Encouraging ICF/IID providers to reduce the number of 27167
their ICFs/IID's beds; 27168

(3) Establishing interim time frames for making progress in 27169
achieving the reductions; 27170

(4) Creating incentives for, and removing impediments to, the 27171
reductions; 27172

(5) In the case of ICF/IID beds that are converted to 27173
providing home and community-based services, developing a 27174
mechanism to compensate providers for beds that permanently cease 27175
to provide ICF/IID services. 27176

(C) The department shall meet not less than twice each year with the organizations specified in division (B) of this section to do all of the following:

(1) Review the progress being made in achieving the reductions under division (A) of this section;

(2) Prepare written reports on the progress;

(3) Identify additional measures needed to achieve the reductions.

Sec. 5126.01. As used in this chapter:

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code.

(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.

(2) "Adult services" includes all of the following:

(a) Adult day habilitation services;

~~(b) Adult day care;~~

~~(c) Prevocational Employment services;~~

~~(d) Sheltered employment;~~

~~(e)~~(c) Educational experiences and training obtained through entities and activities that are not expressly intended for

individuals with mental retardation and developmental	27206
disabilities, including trade schools, vocational or technical	27207
schools, adult education, job exploration and sampling, unpaid	27208
work experience in the community, volunteer activities, and	27209
spectator sports;	27210
(f) Community employment services and supported employment	27211
services.	27212
(B)(1) "Adult day habilitation services" means adult services	27213
that do the following:	27214
(a) Provide access to and participation in typical activities	27215
and functions of community life that are desired and chosen by the	27216
general population, including such activities and functions as	27217
opportunities to experience and participate in community	27218
exploration, companionship with friends and peers, leisure	27219
activities, hobbies, maintaining family contacts, community	27220
events, and activities where individuals without disabilities are	27221
involved;	27222
(b) Provide supports or a combination of training and	27223
supports that afford an individual a wide variety of opportunities	27224
to facilitate and build relationships and social supports in the	27225
community.	27226
(2) "Adult day habilitation services" includes all of the	27227
following:	27228
(a) Personal care services needed to ensure an individual's	27229
ability to experience and participate in vocational services,	27230
educational services, community activities, and any other adult	27231
day habilitation services;	27232
(b) Skilled services provided while receiving adult day	27233
habilitation services, including such skilled services as behavior	27234
management intervention, occupational therapy, speech and language	27235
therapy, physical therapy, and nursing services;	27236

(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 27267
of the Revised Code. 27268

(E) "Supported employment services" means vocational 27269
assessment, job training and coaching, job development and 27270
placement, worksite accessibility, and other services related to 27271
employment outside a sheltered workshop. "Supported employment 27272
services" includes both of the following: 27273

(1) Job training resulting in the attainment of community 27274
employment, supported work in a typical work environment, or 27275
self-employment; 27276

(2) Support for ongoing community employment, supported work 27277
at community-based sites, or self-employment. 27278

(F) As used in this division, ~~"substantial functional 27279
limitation," "developmental delay," and "established risk" have~~ 27280
has the meanings meaning established pursuant to section 5123.011 27281
of the Revised Code. 27282

"Developmental disability" means a severe, chronic disability 27283
that is characterized by all of the following: 27284

(1) It is attributable to a mental or physical impairment or 27285
a combination of mental and physical impairments, other than a 27286
mental or physical impairment solely caused by mental illness as 27287
defined in division (A) of section 5122.01 of the Revised Code; 27288

(2) It is manifested before age twenty-two; 27289

(3) It is likely to continue indefinitely; 27290

(4) It results in one of the following: 27291

(a) In the case of a person under age three, at least one 27292
developmental delay or ~~an established risk~~ a diagnosed physical or 27293
mental condition that has a high probability of resulting in a 27294
developmental delay; 27295

(b) In the case of a person at least age three but under age 27296

six, at least two developmental delays ~~or an established risk~~; 27297

(c) In the case of a person age six or older, a substantial 27298
functional limitation in at least three of the following areas of 27299
major life activity, as appropriate for the person's age: 27300
self-care, receptive and expressive language, learning, mobility, 27301
self-direction, capacity for independent living, and, if the 27302
person is at least age sixteen, capacity for economic 27303
self-sufficiency. 27304

(5) It causes the person to need a combination and sequence 27305
of special, interdisciplinary, or other type of care, treatment, 27306
or provision of services for an extended period of time that is 27307
individually planned and coordinated for the person. 27308

(G) "Early childhood services" means a planned program of 27309
habilitation designed to meet the needs of individuals with mental 27310
retardation or other developmental disabilities who have not 27311
attained compulsory school age. 27312

(H) "Employment services" means prevocational services or 27313
supported employment services. 27314

(I)(1) "Environmental modifications" means the physical 27315
adaptations to an individual's home, specified in the individual's 27316
service plan, that are necessary to ensure the individual's 27317
health, safety, and welfare or that enable the individual to 27318
function with greater independence in the home, and without which 27319
the individual would require institutionalization. 27320

(2) "Environmental modifications" includes such adaptations 27321
as installation of ramps and grab-bars, widening of doorways, 27322
modification of bathroom facilities, and installation of 27323
specialized electric and plumbing systems necessary to accommodate 27324
the individual's medical equipment and supplies. 27325

(3) "Environmental modifications" does not include physical 27326
adaptations or improvements to the home that are of general 27327

utility or not of direct medical or remedial benefit to the 27328
individual, including such adaptations or improvements as 27329
carpeting, roof repair, and central air conditioning. 27330

(J) "Family support services" means the services provided 27331
under a family support services program operated under section 27332
5126.11 of the Revised Code. 27333

(K) "Habilitation" means the process by which the staff of 27334
the facility or agency assists an individual with mental 27335
retardation or other developmental disability in acquiring and 27336
maintaining those life skills that enable the individual to cope 27337
more effectively with the demands of the individual's own person 27338
and environment, and in raising the level of the individual's 27339
personal, physical, mental, social, and vocational efficiency. 27340
Habilitation includes, but is not limited to, programs of formal, 27341
structured education and training. 27342

(L) "Home and community-based services" has the same meaning 27343
as in section 5123.01 of the Revised Code. 27344

(M) "ICF/IID" has the same meaning as in section 5124.01 of 27345
the Revised Code. 27346

(N) "Immediate family" means parents, grandparents, brothers, 27347
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 27348
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 27349
daughters-in-law. 27350

(O) "Medicaid case management services" means case management 27351
services provided to an individual with mental retardation or 27352
other developmental disability that the state medicaid plan 27353
requires. 27354

(P) "Mental retardation" means a mental impairment manifested 27355
during the developmental period characterized by significantly 27356
subaverage general intellectual functioning existing concurrently 27357
with deficiencies in the effectiveness or degree with which an 27358

individual meets the standards of personal independence and social 27359
responsibility expected of the individual's age and cultural 27360
group. 27361

(Q) "Prevocational services" means services, ~~including~~ 27362
~~services as a volunteer,~~ that provide learning and work 27363
experiences, including volunteer work experiences, from which an 27364
individual can develop general strengths and skills that are not 27365
specific to a particular task or job but contribute to 27366
employability in community employment, supported work at 27367
community-based sites, or self-employment. 27368

(R) "Residential services" means services to individuals with 27369
mental retardation or other developmental disabilities to provide 27370
housing, food, clothing, habilitation, staff support, and related 27371
support services necessary for the health, safety, and welfare of 27372
the individuals and the advancement of their quality of life. 27373
"Residential services" includes program management, as described 27374
in section 5126.14 of the Revised Code. 27375

(S) "Resources" means available capital and other assets, 27376
including moneys received from the federal, state, and local 27377
governments, private grants, and donations; appropriately 27378
qualified personnel; and appropriate capital facilities and 27379
equipment. 27380

(T) "Senior probate judge" means the current probate judge of 27381
a county who has served as probate judge of that county longer 27382
than any of the other current probate judges of that county. If a 27383
county has only one probate judge, "senior probate judge" means 27384
that probate judge. 27385

(U) "Service and support administration" means the duties 27386
performed by a service and support administrator pursuant to 27387
section 5126.15 of the Revised Code. 27388

(V)(1) "Specialized medical, adaptive, and assistive 27389

equipment, supplies, and supports" means equipment, supplies, and 27390
supports that enable an individual to increase the ability to 27391
perform activities of daily living or to perceive, control, or 27392
communicate within the environment. 27393

(2) "Specialized medical, adaptive, and assistive equipment, 27394
supplies, and supports" includes the following: 27395

(a) Eating utensils, adaptive feeding dishes, plate guards, 27396
mylatex straps, hand splints, reaches, feeder seats, adjustable 27397
pointer sticks, interpreter services, telecommunication devices 27398
for the deaf, computerized communications boards, other 27399
communication devices, support animals, veterinary care for 27400
support animals, adaptive beds, supine boards, prone boards, 27401
wedges, sand bags, sidelayers, bolsters, adaptive electrical 27402
switches, hand-held shower heads, air conditioners, humidifiers, 27403
emergency response systems, folding shopping carts, vehicle lifts, 27404
vehicle hand controls, other adaptations of vehicles for 27405
accessibility, and repair of the equipment received. 27406

(b) Nondisposable items not covered by medicaid that are 27407
intended to assist an individual in activities of daily living or 27408
instrumental activities of daily living. 27409

(W) "Supportive home services" means a range of services to 27410
families of individuals with mental retardation or other 27411
developmental disabilities to develop and maintain increased 27412
acceptance and understanding of such persons, increased ability of 27413
family members to teach the person, better coordination between 27414
school and home, skills in performing specific therapeutic and 27415
management techniques, and ability to cope with specific 27416
situations. 27417

(X)(1) "Supported living" means services provided for as long 27418
as twenty-four hours a day to an individual with mental 27419
retardation or other developmental disability through any public 27420

or private resources, including moneys from the individual, that 27421
enhance the individual's reputation in community life and advance 27422
the individual's quality of life by doing the following: 27423

(a) Providing the support necessary to enable an individual 27424
to live in a residence of the individual's choice, with any number 27425
of individuals who are not disabled, or with not more than three 27426
individuals with mental retardation and developmental disabilities 27427
unless the individuals are related by blood or marriage; 27428

(b) Encouraging the individual's participation in the 27429
community; 27430

(c) Promoting the individual's rights and autonomy; 27431

(d) Assisting the individual in acquiring, retaining, and 27432
improving the skills and competence necessary to live successfully 27433
in the individual's residence. 27434

(2) "Supported living" includes the provision of all of the 27435
following: 27436

(a) Housing, food, clothing, habilitation, staff support, 27437
professional services, and any related support services necessary 27438
to ensure the health, safety, and welfare of the individual 27439
receiving the services; 27440

(b) A combination of lifelong or extended-duration 27441
supervision, training, and other services essential to daily 27442
living, including assessment and evaluation and assistance with 27443
the cost of training materials, transportation, fees, and 27444
supplies; 27445

(c) Personal care services and homemaker services; 27446

(d) Household maintenance that does not include modifications 27447
to the physical structure of the residence; 27448

(e) Respite care services; 27449

(f) Program management, as described in section 5126.14 of 27450

the Revised Code. 27451

Sec. 5126.02. (A) Each county shall have its own county board 27452
of developmental disabilities. Subject to division (B) of this 27453
section: 27454

(1) A county board shall be operated as a separate 27455
administrative and service entity. 27456

(2) The functions of a county board shall not be combined 27457
with the functions of any other entity of county government. 27458

(B) Division (A) of this section does not prohibit or 27459
restrict any county board from sharing administrative functions or 27460
personnel with one or more other county boards, including entering 27461
into an arrangement authorized by division (B) of section 27462
5126.0219 of the Revised Code or an agreement with one or more 27463
other county boards to share the services of any employee. 27464

Sec. 5126.022. When making appointments to a county board of 27465
developmental disabilities, an appointing authority shall do all 27466
of the following: 27467

(A) Appoint only individuals who are residents of the county 27468
the appointing authority serves, citizens of the United States, 27469
and interested and knowledgeable in the field of mental 27470
retardation and other allied fields; 27471

(B) If the appointing authority is a board of county 27472
commissioners, appoint at least two individuals who are eligible 27473
for services provided by the county board or are immediate family 27474
members of such individuals ~~eligible for services provided by the~~ 27475
~~county board and.~~ The board of county commissioners shall, 27476
whenever possible, ensure that one of those two members is an 27477
individual eligible for adult services or an immediate family 27478
member of an individual eligible for adult services and the other 27479
is an immediate family member of an individual eligible for early 27480

intervention services or services for preschool or school-age children; 27481
27482

(C) If the appointing authority is a senior probate judge, 27483
appoint at least one individual who is an immediate family member 27484
of an individual eligible for residential services or supported 27485
living; 27486

(D) Appoint, to the maximum extent possible, individuals who 27487
have professional training and experience in business management, 27488
finance, law, health care practice, personnel administration, or 27489
government service; 27490

(E) Provide for the county board's membership to reflect, as 27491
nearly as possible, the composition of the county that the county 27492
board serves. 27493

Sec. 5126.0219. (A) Each county board of developmental 27494
disabilities shall either employ a superintendent or obtain the 27495
services of the superintendent of another county board of 27496
developmental disabilities. The board shall provide for a 27497
superintendent who is qualified, as specified in rules adopted by 27498
the department of developmental disabilities in accordance with 27499
Chapter 119. of the Revised Code. The superintendent shall have no 27500
voting privileges on the board. 27501

If the superintendent position becomes vacant, the county 27502
board first shall consider entering into an agreement with another 27503
county board for the sharing of a superintendent under division 27504
(B) of this section. If the county board determines there are no 27505
significant efficiencies or it is impractical to share a 27506
superintendent, the county board may employ a superintendent in 27507
accordance with this section to fill the vacancy. 27508

The board shall prescribe the duties of its superintendent 27509
and review the superintendent's performance. The superintendent 27510

may be removed, suspended, or demoted for cause pursuant to 27511
section 5126.23 of the Revised Code. The board shall fix the 27512
superintendent's compensation and reimburse the superintendent for 27513
actual and necessary expenses. 27514

Each county board that employs its own superintendent shall 27515
employ the superintendent under a contract. To enter into a 27516
contract, the board shall adopt a resolution agreeing to the 27517
contract. Each contract for employment or re-employment of a 27518
superintendent shall be for a term of not less than one and not 27519
more than five years. At the expiration of a superintendent's 27520
current term of employment, the superintendent may be re-employed. 27521
If the board intends not to re-employ the superintendent, the 27522
board shall give the superintendent written notification of its 27523
intention. The notice shall be given not less than ninety days 27524
prior to the expiration of the superintendent's contract. 27525

(B) Two or more county boards may enter into an arrangement 27526
under which the superintendent of one county board acts as the 27527
superintendent of another county board. To enter into such an 27528
arrangement, each board shall adopt a resolution agreeing to the 27529
arrangement. The resolutions shall specify the duration of the 27530
arrangement and the contribution each board is to make to the 27531
superintendent's compensation and reimbursement for expenses. 27532

(C) If a vacancy occurs in the position of superintendent, a 27533
county board may appoint a person who holds a valid 27534
superintendent's certificate issued under the rules of the 27535
department to work under a contract for an interim period not to 27536
exceed one hundred eighty days until a permanent superintendent 27537
can be employed or arranged for under division (A) or (B) of this 27538
section. The director of the department may approve additional 27539
periods of time for these types of interim appointments when so 27540
requested by a resolution adopted by a county board, if the 27541
director determines that the additional periods are warranted and 27542

the services of a permanent superintendent are not available. 27543

Sec. 5126.041. (A) As used in this section: 27544

(1) ~~"Biological risk" and "environmental risk" have the~~ 27545
~~meanings established pursuant to section 5123.011 of the Revised~~ 27546
~~Code.~~ 27547

~~(2)~~ "Preschool child with a disability" has the same meaning 27548
as in section 3323.01 of the Revised Code. 27549

~~(3)~~(2) "State institution" means all or part of an 27550
institution under the control of the department of developmental 27551
disabilities pursuant to section 5123.03 of the Revised Code and 27552
maintained for the care, treatment, and training of the mentally 27553
retarded. 27554

(B) Except as provided in division (C) of this section, each 27555
county board of developmental disabilities shall make eligibility 27556
determinations in accordance with the definition of "developmental 27557
disability" in section 5126.01 of the Revised Code. Pursuant to 27558
~~rules the department of developmental disabilities shall adopt in~~ 27559
~~accordance with Chapter 119. adopted under section 5123.012~~ of the 27560
Revised Code, a county board may establish eligibility for 27561
programs and services for ~~either of the following:~~ 27562

~~(1) Individuals under age six who have a biological risk or~~ 27563
~~environmental risk of a developmental delay;~~ 27564

~~(2) Any~~ any preschool child with a disability eligible for 27565
services under section 3323.02 of the Revised Code whose 27566
disability is not attributable solely to mental illness as defined 27567
in section 5122.01 of the Revised Code. 27568

(C)(1) A county board shall make determinations of 27569
eligibility for service and support administration in accordance 27570
with rules adopted under section 5126.08 of the Revised Code. 27571

(2) All persons who were eligible for services and enrolled 27572

in programs offered by a county board of developmental 27573
disabilities pursuant to this chapter on July 1, 1991, shall 27574
continue to be eligible for those services and to be enrolled in 27575
those programs as long as they are in need of services. 27576

(3) A person who resided in a state institution on or before 27577
October 29, 1993, is eligible for programs and services offered by 27578
a county board of developmental disabilities, unless the person is 27579
determined by the county board not to be in need of those programs 27580
and services. 27581

(D) A county board shall refer a person who requests but is 27582
not eligible for programs and services offered by the board to 27583
other entities of state and local government or appropriate 27584
private entities that provide services. 27585

(E) Membership of a person on, or employment of a person by, 27586
a county board of developmental disabilities does not affect the 27587
eligibility of any member of that person's family for services 27588
provided by the board or by any entity under contract with the 27589
board. 27590

Sec. 5126.046. (A) Except as otherwise provided by 42 C.F.R. 27591
431.51, an individual with mental retardation or other 27592
developmental disability who is eligible for home and 27593
community-based services has the right to obtain the services from 27594
any provider of the services that is qualified to furnish the 27595
services and is willing to furnish the services to the individual. 27596
A county board of developmental disabilities that has medicaid 27597
local administrative authority under division (A) of section 27598
5126.055 of the Revised Code for home and community-based services 27599
and refuses to permit an individual to obtain home and 27600
community-based services from a qualified and willing provider 27601
shall provide the individual timely notice that the individual may 27602
~~request a hearing~~ appeal under section ~~5101.35~~ 5160.31 of the 27603

Revised Code. 27604

(B) An individual with mental retardation or other 27605
developmental disability who is eligible for nonmedicaid 27606
residential services or nonmedicaid supported living has the right 27607
to obtain the services from any provider of the residential 27608
services or supported living that is qualified to furnish the 27609
residential services or supported living and is willing to furnish 27610
the residential services or supported living to the individual. 27611

(C) The department of developmental disabilities shall make 27612
available to the public on its internet web site an up-to-date 27613
list of all providers of home and community-based services, 27614
nonmedicaid residential services, and nonmedicaid supported 27615
living. County boards shall assist individuals with mental 27616
retardation or other developmental disabilities and the families 27617
of such individuals access the list on the department's internet 27618
web site. 27619

(D) The director of developmental disabilities shall adopt 27620
rules in accordance with Chapter 119. of the Revised Code 27621
governing the implementation of this section. The rules shall 27622
include procedures for individuals to choose their providers. ~~The~~ 27623
~~rules shall not be limited by a provider selection system~~ 27624
~~established under section 5126.42 of the Revised Code, including~~ 27625
~~any pool of providers created pursuant to a provider selection~~ 27626
~~system.~~ 27627

Sec. 5126.051. (A) To the extent that resources are 27628
available, a county board of developmental disabilities shall 27629
provide for or arrange residential services and supported living 27630
for individuals with mental retardation and developmental 27631
disabilities. 27632

A county board may acquire, convey, lease, or sell property 27633
for residential services and supported living and enter into loan 27634

agreements, including mortgages, for the acquisition of such 27635
property. A county board is not required to comply with provisions 27636
of Chapter 307. of the Revised Code providing for competitive 27637
bidding or sheriff sales in the acquisition, lease, conveyance, or 27638
sale of property under this division, but the acquisition, lease, 27639
conveyance, or sale must be at fair market value determined by 27640
appraisal of one or more disinterested persons appointed by the 27641
board. 27642

Any action taken by a county board under this division that 27643
will incur debt on the part of the county shall be taken in 27644
accordance with Chapter 133. of the Revised Code. A county board 27645
shall not incur any debt on the part of the county without the 27646
prior approval of the board of county commissioners. 27647

(B)(1) To the extent that resources are available, a county 27648
board shall provide or arrange for the provision of adult services 27649
to individuals who are age eighteen and older and not enrolled in 27650
a program or service under Chapter 3323. of the Revised Code or 27651
age sixteen or seventeen and eligible for adult services under 27652
rules adopted by the director of developmental disabilities under 27653
Chapter 119. of the Revised Code. These services shall be provided 27654
in accordance with the individual's individual service plan and 27655
shall include support services specified in the plan. 27656

(2) Any prevocational services shall be provided in 27657
accordance with the individual's individual service plan and occur 27658
over a specified period of time with specific outcomes sought to 27659
be achieved. 27660

(3) A county board may, in cooperation with the opportunities 27661
for Ohioans with disabilities agency, seek federal funds for job 27662
training or other services ~~directly~~ directed at helping 27663
individuals obtain community employment. 27664

(4) A county board may contract with any agency, board, or 27665

other entity that is accredited by the commission on accreditation 27666
of rehabilitation facilities to provide services. A county board 27667
that is accredited by the commission on accreditation of 27668
rehabilitation facilities may provide services for which it is 27669
certified by the commission. 27670

(C) To the extent that resources are available, a county 27671
board may provide services to an individual with mental 27672
retardation or other developmental disability in addition to those 27673
provided pursuant to this section, section 5126.05 of the Revised 27674
Code, or any other section of this chapter. The services shall be 27675
provided in accordance with the individual's individual service 27676
plan and may be provided in collaboration with other entities of 27677
state or local government. 27678

Sec. 5126.08. (A) The director of developmental disabilities 27679
shall adopt rules in accordance with Chapter 119. of the Revised 27680
Code for all programs and services offered by a county board of 27681
developmental disabilities. Such rules shall include, but are not 27682
limited to, the following: 27683

(1) Determination of what constitutes a program or service; 27684

(2) Standards to be followed by a board in administering, 27685
providing, arranging, or operating programs and services; 27686

(3) Standards for determining the nature and degree of mental 27687
retardation, including mild mental retardation, or developmental 27688
disability; 27689

(4) Standards and procedures for ~~determining~~ making 27690
eligibility determinations for the programs and services ~~under~~ 27691
~~section 5126.15 of the Revised Code;~~ 27692

(5) Procedures for obtaining consent for the arrangement of 27693
services under section 5126.31 of the Revised Code and for 27694
obtaining signatures on individual service plans under that 27695

section;	27696
(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.	27697 27698 27699
(B) The director shall be the final authority in determining the nature and degree of mental retardation or developmental disability.	27700 27701 27702
Sec. 5126.21. As used in this section, "management employee" does not include the superintendent of a county board of developmental disabilities.	27703 27704 27705
(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.	27706 27707 27708 27709 27710 27711 27712 27713 27714 27715
(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.	27716 27717 27718 27719
(B) All management employees may be removed, suspended, or demoted for cause pursuant to section 5126.23 of the Revised Code.	27720 27721
(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.	27722 27723 27724
(D) The superintendent of a county board of developmental	27725

disabilities shall notify all management employees of the board of 27726
their salary no later than thirty days before the first day of the 27727
new contract year. 27728

(E) Each county board of developmental disabilities shall 27729
establish a lay-off policy to be followed if it determines a 27730
reduction in the number of management employees is necessary. 27731

(F) If a management employee position becomes vacant, the 27732
superintendent first shall consider whether to enter into an 27733
agreement with another county board for the sharing of personnel 27734
under 5126.02 of the Revised Code. If the superintendent 27735
determines there are no significant efficiencies or it is 27736
impractical to share personnel, the superintendent may employ a 27737
management employee to fill the vacancy. 27738

Sec. 5126.25. (A) The director of developmental disabilities 27739
shall adopt rules under division (C) of this section establishing 27740
uniform standards and procedures for the certification and 27741
registration of persons, other than the persons described in 27742
division (I) of this section, who are seeking employment with or 27743
are employed by either of the following: 27744

(1) A county board of developmental disabilities; 27745

(2) An entity that contracts with a county board to operate 27746
programs and services for individuals with mental retardation or 27747
developmental disabilities. 27748

(B) No person shall be employed in a position for which 27749
certification or registration is required pursuant to the rules 27750
adopted under this section without the certification or 27751
registration that is required for that position. The person shall 27752
not be employed or shall not continue to be employed if the 27753
required certification or registration is denied, revoked, or not 27754
renewed. 27755

(C) The director shall adopt rules in accordance with Chapter 27756
119. of the Revised Code as the director considers necessary to 27757
implement and administer this section, including rules 27758
establishing all of the following: 27759

(1) Positions of employment that are subject to this section 27760
and, for each position, whether a person must receive 27761
certification or receive registration to be employed in that 27762
position; 27763

(2) Requirements that must be met to receive the 27764
certification or registration required to be employed in a 27765
particular position, including standards regarding education, 27766
specialized training, and experience, taking into account the 27767
needs of individuals with mental retardation or developmental 27768
disabilities and the specialized techniques needed to serve them, 27769
except that the rules shall not require a person designated as a 27770
service employee under section 5126.22 of the Revised Code to have 27771
or obtain a bachelor's or higher degree; 27772

(3) Procedures to be followed in applying for initial 27773
certification or registration and for renewing the certification 27774
or registration. 27775

(4) Requirements that must be met for renewal of 27776
certification or registration, which may include continuing 27777
education and professional training requirements; 27778

(5) Subject to section 5126.23 of the Revised Code, grounds 27779
for which certification or registration may be denied, suspended, 27780
or revoked and procedures for appealing the denial, suspension, or 27781
revocation. 27782

(D) Each person seeking certification or registration for 27783
employment shall apply in the manner established in rules adopted 27784
under this section. 27785

(E)(1) Except as provided in division (E)(2) of this section, 27786

the superintendent of each county board is responsible for taking 27787
all actions regarding certification and registration of employees, 27788
other than the position of superintendent, early intervention 27789
supervisor, early intervention specialist, or investigative agent. 27790
For the position of superintendent, early intervention supervisor, 27791
early intervention specialist, or investigative agent, the 27792
director of developmental disabilities is responsible for taking 27793
all such actions. 27794

Actions that may be taken by the superintendent or director 27795
include issuing, renewing, denying, suspending, and revoking 27796
certification and registration. All actions shall be taken in 27797
accordance with the rules adopted under this section. 27798

The superintendent may charge a fee to persons applying for 27799
certification or registration. The superintendent shall establish 27800
the amount of the fee according to the costs the county board 27801
incurs in administering its program for certification and 27802
registration of employees. 27803

A person subject to the denial, suspension, or revocation of 27804
certification or registration may appeal the decision. The appeal 27805
shall be made in accordance with the rules adopted under this 27806
section. 27807

(2) Pursuant to division (C) of section 5126.05 of the 27808
Revised Code, the superintendent may enter into a contract with 27809
any other entity under which the entity is given authority to 27810
carry out all or part of the superintendent's responsibilities 27811
under division (E)(1) of this section. 27812

(F) A person with valid certification or registration under 27813
this section on the effective date of any rules adopted under this 27814
section that increase the standards applicable to the 27815
certification or registration shall have such period as the rules 27816
prescribe, but not less than one year after the effective date of 27817

the rules, to meet the new certification or registration standards. 27818
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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. 27820
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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. 27824
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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: 27835
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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; 27838
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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. 27841
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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~~ 27844
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~~receiving supported living to provide on going communication among~~ 27848
~~all persons concerned with supported living.~~ 27849

~~(B) The board shall develop~~ procedures for the resolution of 27850
grievances between the following: 27851

~~(A) The~~ board and providers ~~or between the;~~ 27852

~~(B) The~~ board and an entity with which it has a shared 27853
funding agreement. 27854

~~(C) The board shall develop and implement a provider~~ 27855
~~selection system. Each system shall enable an individual to choose~~ 27856
~~to continue receiving supported living from the same providers, to~~ 27857
~~select additional providers, or to choose alternative providers.~~ 27858
Annually, the board shall review its provider selection system to 27859
determine whether it has been implemented in a manner that allows 27860
individuals fair and equitable access to providers. 27861

~~In developing a provider selection system, the county board~~ 27862
~~shall create a pool of providers for individuals to use in~~ 27863
~~choosing their providers of supported living. The pool shall be~~ 27864
~~created by placing in the pool all providers on record with the~~ 27865
~~board or by placing in the pool all providers approved by the~~ 27866
~~board through soliciting requests for proposals for supported~~ 27867
~~living contracts. In either case, only providers that are~~ 27868
~~certified by the director of developmental disabilities may be~~ 27869
~~placed in the pool.~~ 27870

~~If the board places all providers on record in the pool, the~~ 27871
~~board shall review the pool at least annually to determine whether~~ 27872
~~each provider has continued interest in being a provider and has~~ 27873
~~maintained its certification by the department. At any time, an~~ 27874
~~interested and certified provider may make a request to the board~~ 27875
~~that it be added to the pool, and the board shall add the provider~~ 27876
~~to the pool not later than seven days after receiving the request.~~ 27877

~~If the board solicits requests for proposals for inclusion of~~ 27878

~~providers in the pool, the board shall develop standards for 27879
selecting the providers to be included. Requests for proposals 27880
shall be solicited at least annually. When requests are solicited, 27881
the board shall cause legal notices to be published once each week 27882
for two consecutive weeks in a newspaper of general circulation 27883
within the county or as provided in section 7.16 of the Revised 27884
Code. The board's formal request for proposals shall include a 27885
description of any applicable contract terms, the standards that 27886
are used to select providers for inclusion in the pool, and the 27887
process the board uses to resolve disputes arising from the 27888
selection process. The board shall accept requests from any entity 27889
interested in being a provider of supported living for individuals 27890
served by the board. Requests shall be approved or denied 27891
according to the standards developed by the board. Providers that 27892
previously have been placed in the pool are not required to 27893
resubmit a request for proposal to be included in the pool, unless 27894
the board's standards have been changed. 27895~~

~~In assisting an individual in choosing a provider, the county 27896
board shall provide the individual with uniform and consistent 27897
information pertaining to each provider in the pool. An individual 27898
may choose to receive supported living from a provider that is not 27899
included in the pool, if the provider is certified by the director 27900
of developmental disabilities. 27901~~

Sec. 5126.43. (A) After receiving notice from the department 27902
of developmental disabilities of the amount of state funds to be 27903
distributed to it for planning, developing, contracting for, and 27904
providing supported living, the county board of developmental 27905
disabilities shall arrange for supported living on behalf of and 27906
with the consent of individuals based on their individual service 27907
plans developed under section 5126.41 of the Revised Code. With 27908
the state distribution and any other money designated by the board 27909
for supported living, the board shall arrange for supported living 27910

in one or more of the following ways: 27911

(1) By contracting under section 5126.45 of the Revised Code 27912
with providers selected by the individual to be served; 27913

(2) By entering into shared funding agreements with state 27914
agencies, local public agencies, or political subdivisions at 27915
rates negotiated by the board; 27916

(3) By providing direct payment or vouchers to be used to 27917
purchase supported living, pursuant to a written contract in an 27918
amount determined by the board, to the individual or a person 27919
providing the individual with protective services as defined in 27920
section 5123.55 of the Revised Code. 27921

(B) The board may arrange for supported living only with 27922
providers that are certified by the director of developmental 27923
disabilities. 27924

When no certified provider is willing and able to provide 27925
supported living for an individual in accordance with the terms of 27926
the individual service plan for that individual, a county board 27927
may provide supported living directly if it is certified by the 27928
director of developmental disabilities to provide supported 27929
living. 27930

A county board may, for a period not to exceed ninety days, 27931
contract for or provide supported living without meeting the 27932
requirements of this section for an individual it determines to be 27933
in emergency need of supported living. Thereafter, the individual 27934
shall choose providers in accordance with sections 5126.046 and 27935
5126.41 ~~and 5126.42~~ of the Revised Code. 27936

Sec. 5126.45. (A) A contract between a county board of 27937
developmental disabilities and a provider of supported living 27938
shall be in writing and shall be based on the individual service 27939
plan developed by the individual under section 5126.41 of the 27940

Revised Code. The plan may be submitted as an addendum to the 27941
contract. An individual receiving services pursuant to a contract 27942
shall be considered a third-party beneficiary to the contract. 27943

(B) The contract shall be negotiated between the provider and 27944
the county board. The terms of the contract shall include at least 27945
the following: 27946

(1) The contract period and conditions for renewal; 27947

(2) The services to be provided pursuant to the individual 27948
service plan; 27949

(3) The rights and responsibilities of all parties to the 27950
contract; 27951

(4) The methods that will be used to evaluate the services 27952
delivered by the provider; 27953

(5) Procedures for contract modification that ensure all 27954
parties affected by the modification are involved and agree; 27955

(6) A process for resolving conflicts between individuals 27956
receiving services, the county board, and the provider, as 27957
applicable; 27958

(7) Procedures for the retention of applicable records; 27959

(8) Provisions for contract termination by any party involved 27960
that include requirements for an appropriate notice of intent to 27961
terminate the contract; 27962

(9) Methods to be used to document services provided; 27963

(10) Procedures for submitting reports required by the county 27964
board as a condition of receiving payment under the contract; 27965

(11) The method and schedule the board will use to make 27966
payments to the provider and whether periodic payment adjustments 27967
will be made to the provider; 27968

(12) Provisions for conducting fiscal reconciliations for 27969

payments made through methods other than a fee-for-service arrangement. 27970
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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. 27972
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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. 27977
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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. 27982
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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: 27987
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(1) For an indefinite term consisting of the prescribed 28000

minimum period specified by the court under division (A)(1) of 28001
section 2152.16 of the Revised Code and a maximum period not to 28002
exceed the child's attainment of twenty-one years of age, if the 28003
child was committed pursuant to section 2152.16 of the Revised 28004
Code; 28005

(2) Until the child's attainment of twenty-one years of age, 28006
if the child was committed for aggravated murder or murder 28007
pursuant to section 2152.16 of the Revised Code; 28008

(3) For a period of commitment that shall be in addition to, 28009
and shall be served consecutively with and prior to, a period of 28010
commitment described in division (A)(1) or (2) of this section, if 28011
the child was committed pursuant to section 2152.17 of the Revised 28012
Code; 28013

(4) If the child is ten or eleven years of age, to an 28014
institution, a residential care facility, a residential facility, 28015
or a facility licensed by the department of job and family 28016
services that the department of youth services considers best 28017
designated for the training and rehabilitation of the child and 28018
protection of the public. The child shall be housed separately 28019
from children who are twelve years of age or older until the child 28020
is released or discharged or until the child attains twelve years 28021
of age, whichever occurs first. Upon the child's attainment of 28022
twelve years of age, if the child has not been released or 28023
discharged, the department is not required to house the child 28024
separately. 28025

(B)(1) Except as otherwise provided in section 5139.54 of the 28026
Revised Code, the release authority of the department of youth 28027
services, in accordance with section 5139.51 of the Revised Code 28028
and at any time after the end of the minimum period specified 28029
under division (A)(1) of section 2152.16 of the Revised Code, may 28030
grant the release from custody of any child committed to the 28031
department. 28032

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. 28063

(C) When a child is committed to the department of youth 28064
services, the department may assign the child to a hospital for 28065
mental, physical, and other examination, inquiry, or treatment for 28066
the period of time that is necessary. The department may remove 28067
any child in its custody to a hospital for observation, and a 28068
complete report of every observation at the hospital shall be made 28069
in writing and shall include a record of observation, treatment, 28070
and medical history and a recommendation for future treatment, 28071
custody, and maintenance. The department shall thereupon order the 28072
placement and treatment that it determines to be most conducive to 28073
the purposes of Chapters 2151. and 5139. of the Revised Code. The 28074
committing court and all public authorities shall make available 28075
to the department all pertinent data in their possession with 28076
respect to the case. 28077

(D) Records maintained by the department of youth services 28078
pertaining to the children in its custody shall be accessible only 28079
to department employees, except by consent of the department, upon 28080
the order of the judge of a court of record, or as provided in 28081
divisions (D)(1) and (2) of this section. These records shall not 28082
be considered "public records," as defined in section 149.43 of 28083
the Revised Code. 28084

(1) Except as otherwise provided by a law of this state or 28085
the United States, the department of youth services may release 28086
records that are maintained by the department of youth services 28087
and that pertain to children in its custody to the department of 28088
rehabilitation and correction regarding persons who are under the 28089
jurisdiction of the department of rehabilitation and correction 28090
and who have previously been committed to the department of youth 28091
services. The department of rehabilitation and correction may use 28092
those records for the limited purpose of carrying out the duties 28093
of the department of rehabilitation and correction. Records 28094

released by the department of youth services to the department of 28095
rehabilitation and correction shall remain confidential and shall 28096
not be considered public records as defined in section 149.43 of 28097
the Revised Code. 28098

(2) The department of youth services shall provide to the 28099
superintendent of the school district in which a child discharged 28100
or released from the custody of the department is entitled to 28101
attend school under section 3313.64 or 3313.65 of the Revised Code 28102
the records described in divisions (D)(4)(a) to (d) of section 28103
2152.18 of the Revised Code. Subject to the provisions of section 28104
3319.321 of the Revised Code and the Family Educational Rights and 28105
Privacy Act, 20 U.S.C. 1232g, as amended, the records released to 28106
the superintendent shall remain confidential and shall not be 28107
considered public records as defined in section 149.43 of the 28108
Revised Code. 28109

(E)(1) When a child is committed to the department of youth 28110
services, the department, orally or in writing, shall notify the 28111
parent, guardian, or custodian of a child that the parent, 28112
guardian, or custodian may request at any time from the 28113
superintendent of the institution in which the child is located 28114
any of the information described in divisions (E)(1)(a), (b), (c), 28115
and (d) of this section. The parent, guardian, or custodian may 28116
provide the department with the name, address, and telephone 28117
number of the parent, guardian, or custodian, and, until the 28118
department is notified of a change of name, address, or telephone 28119
number, the department shall use the name, address, and telephone 28120
number provided by the parent, guardian, or custodian to provide 28121
notices or answer inquiries concerning the following information: 28122

(a) When the department of youth services makes a permanent 28123
assignment of the child to a facility, the department, orally or 28124
in writing and on or before the third business day after the day 28125
the permanent assignment is made, shall notify the parent, 28126

guardian, or custodian of the child of the name of the facility to 28127
which the child has been permanently assigned. 28128

If a parent, guardian, or custodian of a child who is 28129
committed to the department of youth services requests, orally or 28130
in writing, the department to provide the parent, guardian, or 28131
custodian with the name of the facility in which the child is 28132
currently located, the department, orally or in writing and on or 28133
before the next business day after the day on which the request is 28134
made, shall provide the name of that facility to the parent, 28135
guardian, or custodian. 28136

(b) If a parent, guardian, or custodian of a child who is 28137
committed to the department of youth services, orally or in 28138
writing, asks the superintendent of the institution in which the 28139
child is located whether the child is being disciplined by the 28140
personnel of the institution, what disciplinary measure the 28141
personnel of the institution are using for the child, or why the 28142
child is being disciplined, the superintendent or the 28143
superintendent's designee, on or before the next business day 28144
after the day on which the request is made, shall provide the 28145
parent, guardian, or custodian with written or oral responses to 28146
the questions. 28147

(c) If a parent, guardian, or custodian of a child who is 28148
committed to the department of youth services, orally or in 28149
writing, asks the superintendent of the institution in which the 28150
child is held whether the child is receiving any medication from 28151
personnel of the institution, what type of medication the child is 28152
receiving, or what condition of the child the medication is 28153
intended to treat, the superintendent or the superintendent's 28154
designee, on or before the next business day after the day on 28155
which the request is made, shall provide the parent, guardian, or 28156
custodian with oral or written responses to the questions. 28157

(d) When a major incident occurs with respect to a child who 28158

is committed to the department of youth services, the department, 28159
as soon as reasonably possible after the major incident occurs, 28160
shall notify the parent, guardian, or custodian of the child that 28161
a major incident has occurred with respect to the child and of all 28162
the details of that incident that the department has ascertained. 28163

(2) The failure of the department of youth services to 28164
provide any notification required by or answer any requests made 28165
pursuant to division (E) of this section does not create a cause 28166
of action against the state. 28167

(F) The department of youth services, as a means of 28168
punishment while the child is in its custody, shall not prohibit a 28169
child who is committed to the department from seeing that child's 28170
parent, guardian, or custodian during standard visitation periods 28171
allowed by the department of youth services unless the 28172
superintendent of the institution in which the child is held 28173
determines that permitting that child to visit with the child's 28174
parent, guardian, or custodian would create a safety risk to that 28175
child, that child's parents, guardian, or custodian, the personnel 28176
of the institution, or other children held in that institution. 28177

(G) As used in this section: 28178

(1) "Permanent assignment" means the assignment or transfer 28179
for an extended period of time of a child who is committed to the 28180
department of youth services to a facility in which the child will 28181
receive training or participate in activities that are directed 28182
toward the child's successful rehabilitation. "Permanent 28183
assignment" does not include the transfer of a child to a facility 28184
for judicial release hearings pursuant to section 2152.22 of the 28185
Revised Code or for any other temporary assignment or transfer to 28186
a facility. 28187

(2) "Major incident" means the escape or attempted escape of 28188
a child who has been committed to the department of youth services 28189

from the facility to which the child is assigned; the return to 28190
the custody of the department of a child who has escaped or 28191
otherwise fled the custody and control of the department without 28192
authorization; the allegation of any sexual activity with a child 28193
committed to the department; physical injury to a child committed 28194
to the department as a result of alleged abuse by department 28195
staff; an accident resulting in injury to a child committed to the 28196
department that requires medical care or treatment outside the 28197
institution in which the child is located; the discovery of a 28198
controlled substance upon the person or in the property of a child 28199
committed to the department; a suicide attempt by a child 28200
committed to the department; a suicide attempt by a child 28201
committed to the department that results in injury to the child 28202
requiring emergency medical services outside the institution in 28203
which the child is located; the death of a child committed to the 28204
department; an injury to a visitor at an institution under the 28205
control of the department that is caused by a child committed to 28206
the department; and the commission or suspected commission of an 28207
act by a child committed to the department that would be an 28208
offense if committed by an adult. 28209

(3) "Sexual activity" has the same meaning as in section 28210
2907.01 of the Revised Code. 28211

(4) "Controlled substance" has the same meaning as in section 28212
3719.01 of the Revised Code. 28213

(5) "Residential care facility" and "residential facility" 28214
have the same meanings as in section 2151.011 of the Revised Code. 28215

Sec. 5139.12. Any person who is required, pursuant to 28216
division (A) of section 2151.421 of the Revised Code, to report 28217
the person's knowledge of or reasonable cause to suspect abuse or 28218
neglect or threat of abuse or neglect of a child under eighteen 28219
years of age or a mentally retarded, developmentally disabled, or 28220

physically impaired child under twenty-one years of age or any 28221
person who is permitted, pursuant to division (B) of that section, 28222
to report, or cause such a report to be made and who makes or 28223
causes the report to be made, shall direct that report to the 28224
state highway patrol if the child is a delinquent child in the 28225
custody of an institution. If the state highway patrol determines 28226
after receipt of the report that there is probable cause that 28227
abuse or neglect or threat of abuse or neglect of the delinquent 28228
child occurred, the highway patrol shall report its findings to 28229
the department of youth services, to the court that ordered the 28230
disposition of the delinquent child for the act that would have 28231
been an offense if committed by an adult and for which the 28232
delinquent child is in the custody of the department, to the 28233
public children services agency in the county in which the child 28234
resides or in which the abuse or neglect or threat of abuse or 28235
neglect occurred, and to the chairperson and vice-chairperson of 28236
the correctional institution inspection committee established by 28237
section 103.71 of the Revised Code. 28238

Sec. 5139.34. (A) Funds may be appropriated to the department 28239
of youth services for the purpose of granting state subsidies to 28240
counties. A county or the juvenile court that serves a county 28241
shall use state subsidies granted to the county pursuant to this 28242
section only in accordance with divisions (B)(2)(a) and (3)(a) of 28243
section 5139.43 of the Revised Code and the rules pertaining to 28244
the state subsidy funds that the department adopts pursuant to 28245
division (D) of section 5139.04 of the Revised Code. The 28246
department shall not grant financial assistance pursuant to this 28247
section for the provision of care and services for children in a 28248
placement facility unless the facility has been certified, 28249
licensed, or approved by a state or national agency with 28250
certification, licensure, or approval authority, including, but 28251

not limited to, the department of job and family services, 28252
department of education, department of mental health and addiction 28253
services, department of developmental disabilities, or American 28254
correctional association. For the purposes of this section, 28255
placement facilities do not include a state institution or a 28256
county or district children's home. 28257

The department also shall not grant financial assistance 28258
pursuant to this section for the provision of care and services 28259
for children, including, but not limited to, care and services in 28260
a detention facility, in another facility, or in out-of-home 28261
placement, unless the minimum standards applicable to the care and 28262
services that the department prescribes in rules adopted pursuant 28263
to division (D) of section 5139.04 of the Revised Code have been 28264
satisfied. 28265

(B) The department of youth services shall apply the 28266
following formula to determine the amount of the annual grant that 28267
each county is to receive pursuant to division (A) of this 28268
section, subject to the appropriation for this purpose to the 28269
department made by the general assembly: 28270

(1) Each county shall receive a basic annual grant of fifty 28271
thousand dollars. 28272

(2) The sum of the basic annual grants provided under 28273
division (B)(1) of this section shall be subtracted from the total 28274
amount of funds appropriated to the department of youth services 28275
for the purpose of making grants pursuant to division (A) of this 28276
section to determine the remaining portion of the funds 28277
appropriated. The remaining portion of the funds appropriated 28278
shall be distributed on a per capita basis to each county that has 28279
a population of more than twenty-five thousand for that portion of 28280
the population of the county that exceeds twenty-five thousand. 28281

(C)(1) Prior to a county's receipt of an annual grant 28282

pursuant to this section, the juvenile court that serves the 28283
county shall prepare, submit, and file in accordance with division 28284
(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 28285
agreement and application for funding that is for the combined 28286
purposes of, and that satisfies the requirements of, this section 28287
and section 5139.43 of the Revised Code. In addition to the 28288
subject matters described in division (B)(3)(a) of section 5139.43 28289
of the Revised Code or in the rules that the department adopts to 28290
implement that division, the annual grant agreement and 28291
application for funding shall address fiscal accountability and 28292
performance matters pertaining to the programs, care, and services 28293
that are specified in the agreement and application and for which 28294
state subsidy funds granted pursuant to this section will be used. 28295

(2) The county treasurer of each county that receives an 28296
annual grant pursuant to this section shall deposit the state 28297
subsidy funds so received into the county's felony delinquent care 28298
and custody fund created pursuant to division (B)(1) of section 28299
5139.43 of the Revised Code. Subject to exceptions prescribed in 28300
section 5139.43 of the Revised Code that may apply to the 28301
disbursement, the department shall disburse the state subsidy 28302
funds to which a county is entitled in a lump sum payment that 28303
shall be made in July of each calendar year. 28304

(3) Upon an order of the juvenile court that serves a county 28305
and subject to appropriation by the board of county commissioners 28306
of that county, a county treasurer shall disburse from the 28307
county's felony delinquent care and custody fund the state subsidy 28308
funds granted to the county pursuant to this section for use only 28309
in accordance with this section, the applicable provisions of 28310
section 5139.43 of the Revised Code, and the county's approved 28311
annual grant agreement and application for funding. 28312

(4) The moneys in a county's felony delinquent care and 28313
custody fund that represent state subsidy funds granted pursuant 28314

to this section are subject to appropriation by the board of 28315
county commissioners of the county; shall be disbursed by the 28316
county treasurer as required by division (C)(3) of this section; 28317
shall be used in the manners referred to in division (C)(3) of 28318
this section; shall not revert to the county general fund at the 28319
end of any fiscal year; shall carry over in the felony delinquent 28320
care and custody fund from the end of any fiscal year to the next 28321
fiscal year; shall be in addition to, and shall not be used to 28322
reduce, any usual annual increase in county funding that the 28323
juvenile court is eligible to receive or the current level of 28324
county funding of the juvenile court and of any programs, care, or 28325
services for alleged or adjudicated delinquent children, unruly 28326
children, or juvenile traffic offenders or for children who are at 28327
risk of becoming delinquent children, unruly children, or juvenile 28328
traffic offenders; and shall not be used to pay for the care and 28329
custody of felony delinquents who are in the care and custody of 28330
an institution pursuant to a commitment, recommitment, or 28331
revocation of a release on parole by the juvenile court of that 28332
county or who are in the care and custody of a community 28333
corrections facility pursuant to a placement by the department 28334
~~with the consent of the juvenile court~~ as described in division 28335
(E) of section 5139.36 of the Revised Code. 28336

(5) As a condition of the continued receipt of state subsidy 28337
funds pursuant to this section, each county and the juvenile court 28338
that serves each county that receives an annual grant pursuant to 28339
this section shall comply with divisions (B)(3)(b), (c), and (d) 28340
of section 5139.43 of the Revised Code. 28341

Sec. 5139.36. (A) In accordance with this section and the 28342
rules adopted under it and from funds appropriated to the 28343
department of youth services for the purposes of this section, the 28344
department shall make grants that provide financial resources to 28345
operate community corrections facilities for felony delinquents. 28346

(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	28378
an intake committee that at least performs both of the following	28379
tasks:	28380
(a) Screens all eligible felony delinquents who are being	28381
considered for admission to the facility in lieu of commitment to	28382
the department;	28383
(b) Notifies, within ten days after the date of the referral	28384
of a felony delinquent to the facility, the committing court	28385
whether the felony delinquent will be admitted to the facility.	28386
(4) Comply with all applicable fiscal and program rules that	28387
the department adopts in accordance with Chapter 119. of the	28388
Revised Code and demonstrate that felony delinquents served by the	28389
facility have been or will be diverted from a commitment to the	28390
department.	28391
(D) The department of youth services shall determine the	28392
method of distribution of the funds appropriated for grants under	28393
this section to community corrections facilities.	28394
(E)(1) The department of youth services shall adopt rules in	28395
accordance with Chapter 119. of the Revised Code to establish the	28396
minimum occupancy threshold of community corrections facilities.	28397
(2) <u>A child in the custody of the department of youth</u>	28398
<u>services may be placed in a community corrections facility in</u>	28399
<u>accordance with either division (E)(2)(a) or (b) of this section.</u>	28400
<u>A child placed in a community corrections facility pursuant to</u>	28401
<u>either division shall remain in the legal custody of the</u>	28402
<u>department of youth services during the period in which the child</u>	28403
<u>is in the community corrections facility. The department shall</u>	28404
<u>charge bed days to the county in accordance with sections 5139.41</u>	28405
<u>to 5139.43 of the Revised Code.</u>	28406
(a) The department may make referrals for the placement of	28407
children in its custody to a community corrections facility. At	28408

least forty-five days prior to the referral of a child or within 28409
any shorter period prior to the referral of the child that the 28410
committing court may allow, the department shall notify the 28411
committing court of its intent to place the child in a community 28412
corrections facility. The court shall have thirty days after the 28413
receipt of the notice to approve or disapprove the placement. If 28414
the court does not respond to the notice of the placement within 28415
that thirty-day period, the department shall proceed with the 28416
placement ~~and debit the county in accordance with sections 5139.41~~ 28417
~~to 5139.43 of the Revised Code. A child placed in a community~~ 28418
~~corrections facility pursuant to this division shall remain in the~~ 28419
~~legal custody of the department of youth services during the~~ 28420
~~period in which the child is in the community corrections~~ 28421
~~facility.~~ 28422

(b) The department may, with the consent of the juvenile 28423
court with jurisdiction over the Montgomery county center for 28424
adolescent services, establish a single unit within the community 28425
corrections facility for female felony delinquents committed to 28426
the department's custody. If the unit is established under this 28427
division, the department may place a female felony delinquent 28428
committed to the department's custody into the unit in the 28429
community corrections facility. 28430

(3) Counties that are not associated with a community 28431
corrections facility may refer children to a community corrections 28432
facility with the consent of the facility. The department of youth 28433
services shall debit the county that makes the referral in 28434
accordance with sections 5139.41 to 5139.43 of the Revised Code. 28435

(F) The board or other governing body of a community 28436
corrections facility shall meet not less often than once per 28437
quarter. A community corrections facility may reimburse the 28438
members of the board or other governing body of the facility and 28439
the members of an advisory board created by the board or other 28440

governing body of the facility for their actual and necessary 28441
expenses incurred in the performance of their official duties. The 28442
members of the board or other governing body of the facility and 28443
the members of an advisory board created by the board or other 28444
governing body of the facility shall serve without compensation. 28445

Sec. 5139.41. The appropriation made to the department of 28446
youth services for care and custody of felony delinquents shall be 28447
expended in accordance with the following procedure that the 28448
department shall use for each year of a biennium. The procedure 28449
shall be consistent with sections 5139.41 to 5139.43 of the 28450
Revised Code and shall be developed in accordance with the 28451
following guidelines: 28452

(A) The line item appropriation for the care and custody of 28453
felony delinquents shall provide funding for operational costs for 28454
the following: 28455

(1) Institutions and the diagnosis, care, or treatment of 28456
felony delinquents at facilities pursuant to contracts entered 28457
into under section 5139.08 of the Revised Code; 28458

(2) Community corrections facilities constructed, 28459
reconstructed, improved, or financed as described in section 28460
5139.36 of the Revised Code for the purpose of providing 28461
alternative placement and services for felony delinquents who have 28462
been diverted from care and custody in institutions; 28463

(3) County juvenile courts that administer programs and 28464
services for prevention, early intervention, diversion, treatment, 28465
and rehabilitation services and programs that are provided for 28466
alleged or adjudicated unruly or delinquent children or for 28467
children who are at risk of becoming unruly or delinquent 28468
children; 28469

(4) Administrative expenses the department incurs in 28470

connection with the felony delinquent care and custody programs 28471
described in section 5139.43 of the Revised Code. 28472

(B) From the appropriated line item for the care and custody 28473
of felony delinquents, the department, with the advice of the 28474
RECLAIM advisory committee established under section 5139.44 of 28475
the Revised Code, shall allocate annual operational funds for 28476
county juvenile programs, institutional care and custody, 28477
community corrections facilities care and custody, and 28478
administrative expenses incurred by the department associated with 28479
felony delinquent care and custody programs. The department, with 28480
the advice of the RECLAIM advisory committee, shall adjust these 28481
allocations, when modifications to this line item are made by 28482
legislative or executive action. 28483

(C) The department shall divide county juvenile program 28484
allocations among county juvenile courts that administer programs 28485
and services for prevention, early intervention, diversion, 28486
treatment, and rehabilitation that are provided for alleged or 28487
adjudicated unruly or delinquent children or for children who are 28488
at risk of becoming unruly or delinquent children. The department 28489
shall base funding on the county's previous year's ratio of the 28490
department's institutional and community ~~correctional~~ corrections 28491
facilities commitments to that county's average of felony 28492
adjudications, as specified in the following formula: 28493

(1) The department shall give to each county a proportional 28494
allocation of commitment credits. The proportional allocation of 28495
commitment credits shall be calculated by the following 28496
procedures: 28497

(a) The department shall determine for each county and for 28498
the state an average of felony adjudications. Beginning July 1, 28499
2012, the average shall include felony adjudications for fiscal 28500
year 2007 and for each subsequent fiscal year through fiscal year 28501
2016. Beginning July 1, 2017, the most recent felony adjudication 28502

data shall be included and the oldest fiscal year data shall be 28503
removed so that a ten-year average of felony adjudication data 28504
will be maintained. 28505

(b) The department shall determine for each county and for 28506
the state the number of charged bed days, for both the department 28507
and community ~~correctional~~ corrections facilities, from the 28508
previous year. 28509

(c) The department shall divide the statewide total number of 28510
charged bed days by the statewide total number of felony 28511
adjudications, which quotient shall then be multiplied by a factor 28512
determined by the department. 28513

(d) The department shall calculate the county's allocation of 28514
credits by multiplying the number of adjudications for each court 28515
by the result determined pursuant to division (C)(1)(c) of this 28516
section. 28517

(2) The department shall subtract from the allocation 28518
determined pursuant to division (C)(1) of this section a credit 28519
for every chargeable bed day while a youth ~~stays~~ is in a 28520
~~department institution~~ the department's custody and two-thirds of 28521
credit for every chargeable bed day a youth stays in a community 28522
~~correctional~~ corrections facility, except for public safety beds. 28523
At the end of the year, the department shall divide the amount of 28524
remaining credits of that county's allocation by the total number 28525
of remaining credits to all counties, to determine the county's 28526
percentage, which shall then be applied to the total county 28527
allocation to determine the county's payment for the fiscal year. 28528

(3) The department shall pay counties three times during the 28529
fiscal year to allow for credit reporting and audit adjustments, 28530
and modifications to the appropriated line item for the care and 28531
custody of felony delinquents, as described in this section. The 28532
department shall pay fifty per cent of the payment by the 28533

fifteenth of July of each fiscal year, twenty-five per cent by the 28534
fifteenth of January of that fiscal year, and twenty-five per cent 28535
of the payment by the fifteenth of June of that fiscal year. 28536

Sec. 5139.45. (A) As used in this section: 28537

(1) "Institution" means a state facility that is created by 28538
the general assembly and that is under the management and control 28539
of the department of youth services or a private entity with which 28540
the department has contracted for the institutional care and 28541
custody of felony delinquents. 28542

(2) "Quality assurance program" means a comprehensive program 28543
within the department of youth services to systematically review 28544
and improve the quality of programming, operations, education, 28545
medical and mental health services within the department and the 28546
department's institutions, the safety and security of persons 28547
receiving care and services within the department and the 28548
department's institutions, and the efficiency and effectiveness of 28549
the utilization of staff and resources in the delivery of services 28550
within the department and the department's institutions. 28551

(3) "Quality assurance program activities" means the 28552
activities of the institution and the office of quality assurance 28553
and improvement, of persons who provide, collect, or compile 28554
information and reports required by the office of quality 28555
assurance and improvement, and of persons who receive, review, or 28556
implement the recommendations made by the office of quality 28557
assurance and improvement. "Quality assurance program activities" 28558
include credentialing, infection control, utilization review 28559
including access to patient care, patient care assessments, 28560
medical and mental health records, medical and mental health 28561
resource management, mortality and morbidity review, and 28562
identification and prevention of medical or mental health 28563
incidents and risks, whether performed by the office of quality 28564

assurance and improvement or by persons who are directed by the 28565
office of quality assurance and improvement. 28566

(4) "Quality assurance record" means the proceedings, 28567
records, minutes, and reports that result from quality assurance 28568
program activities. "Quality assurance record" does not include 28569
aggregate statistical information that does not disclose the 28570
identity of persons receiving or providing services in 28571
institutions. 28572

(B) The office of quality assurance and improvement is hereby 28573
created as an office in the department of youth services. The 28574
director of youth services shall appoint a managing officer to 28575
carry out quality assurance program activities. 28576

(C)(1) Except as otherwise provided in division (F) of this 28577
section, quality assurance records are confidential and are not 28578
public records under section 149.43 of the Revised Code and shall 28579
be used only in the course of the proper functions of a quality 28580
assurance program. 28581

(2) Except as provided in division (F) of this section, no 28582
person who possesses or has access to quality assurance records 28583
and who knows that the records are quality assurance records shall 28584
willfully disclose the contents of the records to any person or 28585
entity. 28586

(D)(1) Except as otherwise provided in division (F) of this 28587
section, a quality assurance record is not subject to discovery 28588
and is not admissible as evidence in any judicial or 28589
administrative proceeding. 28590

(2) Except as provided in division (F) of this section, no 28591
employee of the office of quality assurance and improvement or a 28592
person who is performing a function that is part of a quality 28593
assurance program shall be permitted or required to testify in a 28594
judicial or administrative proceeding with respect to a quality 28595

assurance record or with respect to any finding, recommendation, 28596
evaluation, opinion, or other action taken by the office or 28597
program or by the person within the scope of the quality assurance 28598
program. 28599

(3) Information, documents, or records otherwise available 28600
from original sources shall not be unavailable for discovery or 28601
inadmissible as evidence in a judicial or administrative 28602
proceeding under division (D)(1) of this section merely because 28603
they were presented to the office of quality assurance and 28604
improvement. No person who is an employee of the office of quality 28605
assurance and improvement shall be prohibited from testifying as 28606
to matters within the person's knowledge, but the person shall not 28607
be asked about an opinion formed by the person as a result of the 28608
person's quality assurance program activities. 28609

(E)(1) A person who, without malice and in the reasonable 28610
belief that the information is warranted by the facts known to the 28611
person, provides information to a person engaged in quality 28612
assurance program activities is not liable for damages in a civil 28613
action for injury, death, or loss to person or property as a 28614
result of providing the information. 28615

(2) An employee of the office of quality assurance and 28616
improvement, a person engaged in quality assurance program 28617
activities, or an employee of the department of youth services 28618
shall not be liable in damages in a civil action for injury, 28619
death, or loss to person or property for any acts, omissions, 28620
decisions, or other conduct within the scope of the functions of 28621
the quality assurance program. 28622

(3) Nothing in this section shall relieve any institution 28623
from liability arising from the treatment of a patient. 28624

(F) Quality assurance records may be disclosed, and testimony 28625
may be provided concerning quality assurance records, only to the 28626

following persons or entities or under the following 28627
circumstances: 28628

(1) Persons who are employed or retained by the department of 28629
youth services and who have the authority to evaluate or implement 28630
the recommendations of an institution or the office of quality 28631
assurance and improvement; 28632

(2) Public or private agencies or organizations if needed to 28633
perform a licensing or accreditation function related to 28634
institutions or to perform monitoring of institutions as required 28635
by law; 28636

(3) A governmental board or agency, a professional health 28637
care society or organization, or a professional standards review 28638
organization, if the records or testimony are needed to perform 28639
licensing, credentialing, or monitoring of professional standards 28640
with respect to medical or mental health professionals employed or 28641
retained by the department; 28642

(4) A criminal or civil law enforcement agency or public 28643
health agency charged by law with the protection of public health 28644
or safety, if a qualified representative of the agency makes a 28645
written request stating that the records or testimony are 28646
necessary for a purpose authorized by law; 28647

(5) In a judicial or administrative proceeding commenced by 28648
an entity described in division (F)(3) or (4) of this section for 28649
a purpose described in that division but only with respect to the 28650
subject of the proceedings. 28651

(G) A disclosure of quality assurance records pursuant to 28652
division (F) of this section does not otherwise waive the 28653
confidential and privileged status of the disclosed quality 28654
assurance records. The names and other identifying information 28655
regarding individual patients or employees of the office of 28656
quality assurance and improvement contained in a quality assurance 28657

record shall be redacted from the record prior to the disclosure 28658
of the record unless the identity of an individual is necessary 28659
for the purpose for which the disclosure is being made and does 28660
not constitute a clearly unwarranted invasion of personal privacy. 28661

Sec. 5153.21. The board of county commissioners may establish 28662
a children's home upon the recommendation of the public children 28663
services agency and subject to certification by the department of 28664
job and family services under section 5103.03 of the Revised Code 28665
and the requirements of sections 5103.05 and 5103.051 of the 28666
Revised Code. 28667

Sec. 5153.42. District children's homes shall be established, 28668
operated, maintained, and managed in the same manner so far as 28669
applicable as county children's homes and shall be subject to the 28670
requirements of sections 5103.05 and 5103.051 of the Revised Code. 28671
28672

Sec. 5155.28. (A) As used in this section: 28673

(1) "Nursing facility" has the same meaning as in section 28674
5165.01 of the Revised Code. 28675

(2) "PASRR" means the preadmission screening and annual 28676
resident review of individuals with mental illnesses and 28677
intellectual disabilities required by the "Social Security Act," 28678
42 U.S.C. 1396r(e)(7). 28679

(B) A county home or district home that is a nursing facility 28680
may provide sub-acute detoxification services to residents who 28681
have been determined by PASRR to be addicted to opioids. The 28682
sub-acute detoxification services shall include monitoring of such 28683
residents twenty-four hours a day by health care professionals. 28684

Sec. 5164.34. (A) As used in this section: 28685

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	28686 28687
(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	28688 28689 28690
(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.	28691 28692 28693
(4) "Person subject to the criminal records check requirement" means the following:	28694 28695
(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;	28696 28697 28698
(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;	28699 28700 28701 28702 28703 28704 28705
(c) An employee or prospective employee of a medicaid provider if both of the following apply:	28706 28707
(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.	28708 28709 28710
(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.	28711 28712
(5) "Responsible entity" means the following:	28713
(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid	28714 28715

or the department's designee; 28716

(b) With respect to a criminal records check required under 28717
this section for an owner or prospective owner, officer or 28718
prospective officer, board member or prospective board member, or 28719
employee or prospective employee of a medicaid provider, the 28720
provider. 28721

(B) This section does not apply to any individual who is 28722
subject to a criminal records check under section 3712.09, 28723
3721.121, 5123.081, 5123.169, or 5164.341 of the Revised Code or 28724
any individual who is subject to a database review or criminal 28725
records check under section 173.38, 173.381, 3701.881, or 5164.342 28726
of the Revised Code. 28727

(C) The department of medicaid may do any of the following: 28728

(1) Require that any medicaid provider submit to a criminal 28729
records check as a condition of obtaining or maintaining a 28730
provider agreement; 28731

(2) Require that any medicaid provider require an owner or 28732
prospective owner, officer or prospective officer, or board member 28733
or prospective board member of the provider submit to a criminal 28734
records check as a condition of being an owner, officer, or board 28735
member of the provider; 28736

(3) Require that any medicaid provider do the following: 28737

(a) If so required by rules authorized by this section, 28738
determine pursuant to a database review conducted under division 28739
(F)(1)(a) of this section whether any employee or prospective 28740
employee of the provider is included in a database; 28741

(b) Unless the provider is prohibited by division (D)(3)(b) 28742
of this section from employing the employee or prospective 28743
employee, require the employee or prospective employee to submit 28744
to a criminal records check as a condition of being an employee of 28745

the provider. 28746

(D)(1) The department or the department's designee shall deny 28747
or terminate a medicaid provider's provider agreement if the 28748
provider is a person subject to the criminal records check 28749
requirement and either of the following applies: 28750

(a) The provider fails to obtain the criminal records check 28751
after being given the information specified in division (G)(1) of 28752
this section. 28753

(b) Except as provided in rules authorized by this section, 28754
the provider is found by the criminal records check to have been 28755
convicted of or have pleaded guilty to a disqualifying offense, 28756
regardless of the date of the conviction or the date of entry of 28757
the guilty plea. 28758

(2) No medicaid provider shall permit a person to be an 28759
owner, officer, or board member of the provider if the person is a 28760
person subject to the criminal records check requirement and 28761
either of the following applies: 28762

(a) The person fails to obtain the criminal records check 28763
after being given the information specified in division (G)(1) of 28764
this section. 28765

(b) Except as provided in rules authorized by this section, 28766
the person is found by the criminal records check to have been 28767
convicted of or have pleaded guilty to a disqualifying offense, 28768
regardless of the date of the conviction or the date of entry of 28769
the guilty plea. 28770

(3) No medicaid provider shall employ a person if any of the 28771
following apply: 28772

(a) The person has been excluded from being a medicaid 28773
provider, a medicare provider, or provider for any other federal 28774
health care program. 28775

(b) If the person is subject to a database review conducted 28776
under division (F)(1)(a) of this section, the person is found by 28777
the database review to be included in a database and the rules 28778
authorized by this section regarding the database review prohibit 28779
the provider from employing a person included in the database. 28780

(c) If the person is a person subject to the criminal records 28781
check requirement, either of the following applies: 28782

(i) The person fails to obtain the criminal records check 28783
after being given the information specified in division (G)(1) of 28784
this section. 28785

(ii) Except as provided in rules authorized by this section, 28786
the person is found by the criminal records check to have been 28787
convicted of or have pleaded guilty to a disqualifying offense, 28788
regardless of the date of the conviction or the date of entry of 28789
the guilty plea. 28790

(E)(1) The department or the department's designee shall 28791
inform each medicaid provider whether the provider is subject to a 28792
criminal records check. For providers with valid provider 28793
agreements, the information shall be given at times designated in 28794
rules authorized by this section. For providers applying to be 28795
medicaid providers, the information shall be given at the time of 28796
initial application. When the information is given, the department 28797
or the department's designee shall specify the following: 28798

(a) Which of the provider's owners or prospective owners, 28799
officers or prospective officers, or board members or prospective 28800
board members are subject to a criminal records check; 28801

(b) Which of the provider's employees or prospective 28802
employees are subject to division (C)(3) of this section. 28803

(2) At times designated in rules authorized by this section, 28804
a medicaid provider that is a person subject to the criminal 28805
records check requirement shall do the following: 28806

(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider shall do the following:

(a) If rules authorized by this section require the provider to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the conduct of a criminal records check of the employee or prospective employee by the superintendent.

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of

investigation in a criminal records check, the responsible entity 28838
shall require the person to request that the superintendent obtain 28839
information from the federal bureau of investigation as part of 28840
the criminal records check of the person. Even if the person 28841
presents proof of having been a resident of this state for the 28842
five-year period, the responsible entity may require that the 28843
person request that the superintendent obtain information from the 28844
federal bureau of investigation and include it in the criminal 28845
records check of the person. 28846

(G) Criminal records checks required by this section shall be 28847
obtained as follows: 28848

(1) The responsible entity shall provide each person subject 28849
to the criminal records check requirement information about 28850
accessing and completing the form prescribed pursuant to division 28851
(C)(1) of section 109.572 of the Revised Code and the standard 28852
impression sheet prescribed pursuant to division (C)(2) of that 28853
section. 28854

(2) The person subject to the criminal records check 28855
requirement shall submit the required form and one complete set of 28856
the person's fingerprint impressions directly to the 28857
superintendent for purposes of conducting the criminal records 28858
check using the applicable methods prescribed by division (C) of 28859
section 109.572 of the Revised Code. The person shall pay all fees 28860
associated with obtaining the criminal records check. 28861

(3) The superintendent shall conduct the criminal records 28862
check in accordance with section 109.572 of the Revised Code. The 28863
person subject to the criminal records check requirement shall 28864
instruct the superintendent to submit the report of the criminal 28865
records check directly to the responsible entity. If the 28866
department or the department's designee is not the responsible 28867
entity, the department or designee may require the responsible 28868
entity to submit the report to the department or designee. 28869

(H)(1) A medicaid provider may employ conditionally a person 28870
for whom a criminal records check is required by this section 28871
prior to obtaining the results of the criminal records check if 28872
both of the following apply: 28873

(a) The provider is not prohibited by division (D)(3)(b) of 28874
this section from employing the person. 28875

(b) The person submits a request for the criminal records 28876
check not later than five business days after the person begins 28877
conditional employment. 28878

(2) A medicaid provider that employs a person conditionally 28879
under division (H)(1) of this section shall terminate the person's 28880
employment if the results of the criminal records check request 28881
are not obtained within the period ending sixty days after the 28882
date the request is made. Regardless of when the results of the 28883
criminal records check are obtained, if the results indicate that 28884
the person has been convicted of or has pleaded guilty to a 28885
disqualifying offense, the provider shall terminate the person's 28886
employment unless circumstances specified in rules authorized by 28887
this section exist that permit the provider to employ the person 28888
and the provider chooses to employ the person. 28889

(I) The report of a criminal records check conducted pursuant 28890
to this section is not a public record for the purposes of section 28891
149.43 of the Revised Code and shall not be made available to any 28892
person other than the following: 28893

(1) The person who is the subject of the criminal records 28894
check or the person's representative; 28895

(2) The medicaid director and the staff of the department who 28896
are involved in the administration of the medicaid program; 28897

(3) The department's designee; 28898

(4) The medicaid provider who required the person who is the 28899

subject of the criminal records check to submit to the criminal records check; 28900
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(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan; 28902
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(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 28905
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(a) The denial or termination of a provider agreement; 28907

(b) A person's denial of employment, termination of employment, or employment or unemployment benefits; 28908
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(c) A civil or criminal action regarding the medicaid program. 28910
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(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following: 28912
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(1) Designate the categories of persons who are subject to a criminal records check under this section; 28917
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(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 28919
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(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense; 28925
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(4) Specify all of the following:	28930
(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;	28931 28932 28933 28934
(b) The procedures for conducting the database review;	28935
(c) The databases that are to be checked;	28936
(d) The circumstances under which a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.	28937 28938 28939
Sec. 5165.10. (A) Except as provided in division (D) <u>(C)</u> of this section, each nursing facility provider shall file with the department of medicaid an annual cost report for each of the provider's nursing facilities that participate in the medicaid program. The cost report for a year shall cover the calendar year or the portion of the calendar year during which the nursing facility participated in the medicaid program. Except as provided in division (E) <u>(D)</u> of this section, the cost report is due not later than ninety days after the end of the calendar year, or portion of the calendar year, that the cost report covers.	28940 28941 28942 28943 28944 28945 28946 28947 28948 28949
(B) If a nursing facility undergoes a change of provider that the department determines, in accordance with rules adopted under section 5165.02 of the Revised Code, is not an arm's length transaction, the new provider shall file the nursing facility's cost report in accordance with division (A) of this section and the cost report shall cover the portion of the calendar year during which the new provider operated the nursing facility and the portion of the calendar year during which the previous provider operated the nursing facility.	28950 28951 28952 28953 28954 28955 28956 28957 28958
(C) If the medicaid payment rate for a new nursing facility	28959

~~was most recently determined in accordance with section 5165.151 of the Revised Code, the provider shall file with the department a cost report for the new nursing facility not later than, except as provided in division (E) of this section, ninety days after the end of the new nursing facility's first three full calendar months of operation. The cost report shall cover the period that begins with the nursing facility's first day of operation and ends on the first day of the month immediately following the first three full months of operation.~~ 28960
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~~(D) A nursing facility~~ The provider of a new nursing facility is not required to file a cost report ~~for a nursing facility for a calendar year~~ in accordance with division (A) of this section for the first calendar year that the provider has a provider agreement for the nursing facility if the ~~provider files a cost report for the nursing facility under division (C) of this section and that cost report covers a period that begins~~ initial provider agreement goes into effect after the first day of October of that calendar year. The provider shall file a cost report for the nursing facility in accordance with division (A) of this section for the immediately following calendar year. 28969
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~~(E)~~ (D) The department may grant to a provider a fourteen-day extension to file a cost report under this section if the provider provides the department a written request for the extension and the department determines that there is good cause for the extension. 28980
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Sec. 5165.106. If a nursing facility provider required by section 5165.10 of the Revised Code to file a cost report for the nursing facility fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division ~~(E)~~ (D) of that section, or files an incomplete or inadequate report for the nursing facility under 28985
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that section, the department of medicaid shall provide immediate 28991
written notice to the provider that the provider agreement for the 28992
nursing facility will be terminated in thirty days unless the 28993
provider submits a complete and adequate cost report for the 28994
nursing facility within thirty days. During the thirty-day 28995
termination period or any additional time allowed for an appeal of 28996
the proposed termination of a provider agreement, the provider 28997
shall be paid the nursing facility's then current per medicaid day 28998
payment rate, minus the dollar amount by which nursing facility's 28999
per medicaid day payment rates are reduced during fiscal year 2013 29000
in accordance with division (A)(2) of section 5111.26 of the 29001
Revised Code (renumbered as section 5165.10 of the Revised Code by 29002
H.B. 59 of the 130th general assembly) as that section existed on 29003
the day immediately preceding ~~the effective date of this section~~ 29004
September 29, 2013. On the first day of each July, the department 29005
shall adjust the amount of the reduction in effect during the 29006
previous twelve months to reflect the rate of inflation during the 29007
preceding twelve months, as shown in the consumer price index for 29008
all items for all urban consumers for the north central region, 29009
published by the United States bureau of labor statistics. 29010

Sec. 5165.15. (A) Except as otherwise provided by sections 29011
5165.151 to ~~5165.156~~ 5165.157 and 5165.34 of the Revised Code, the 29012
total per medicaid day payment rate that the department of 29013
medicaid shall pay a nursing facility provider for nursing 29014
facility services the provider's nursing facility provides during 29015
a fiscal year shall equal the sum of all of the following: 29016

(1) The per medicaid day payment rate for ancillary and 29017
support costs determined for the nursing facility under section 29018
5165.16 of the Revised Code; 29019

(2) The per medicaid day payment rate for capital costs 29020
determined for the nursing facility under section 5165.17 of the 29021

Revised Code;	29022
(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;	29023 29024 29025
(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;	29026 29027 29028
(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code;	29029 29030 29031
(6) The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code.	29032 29033
(B) In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate.	29034 29035 29036 29037 29038 29039 29040 29041
Sec. 323-280 <u>5165.157</u>. ALTERNATIVE PURCHASING MODEL FOR NURSING FACILITY SERVICES	29042 29043
As used in this section, "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	29044 29045
The Medicaid Director <u>(A) The medicaid director</u> 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, <u>by designated discrete units of nursing facilities</u> to Medicaid <u>medicaid</u> recipients with specialized health care needs, including	29046 29047 29048 29049 29050 29051

~~recipients dependent on ventilators, recipients who have severe~~ 29052
~~traumatic brain injury, and recipients who would be admitted to~~ 29053
~~long-term acute care hospitals or rehabilitation hospitals if they~~ 29054
~~did not receive nursing facility services. If established, the~~ 29055
~~alternative purchasing model is established, the director shall do~~ 29056
~~all of the following with regard to the model:~~ 29057

~~(A) Recognize a connection between enhanced Medicaid payment~~ 29058
~~rates and improved health outcomes capable of being measured;~~ 29059

~~(B) Include (1) Establish criteria for identifying Medicaid~~ 29060
~~that a discrete unit of a nursing facility must meet to be~~ 29061
~~designated as a unit that, under the alternative purchasing model,~~ 29062
~~may admit and provide nursing facility services to Medicaid~~ 29063
~~recipients with specialized health care needs;~~ 29064

~~(C) Include procedures for ensuring that Medicaid recipients~~ 29065
~~identified pursuant to division (B) of this section receive~~ 29066
~~nursing facility services under the alternative purchasing model~~ 29067
~~(2) Specify the health care conditions that Medicaid recipients~~ 29068
~~must have to have specialized health care needs, which may include~~ 29069
~~dependency on a ventilator, severe traumatic brain injury, the~~ 29070
~~need to be admitted to a long-term acute care hospital or~~ 29071
~~rehabilitation hospital if not for nursing facility services, and~~ 29072
~~other serious health care conditions;~~ 29073

~~(3) For each fiscal year, set the total per Medicaid day~~ 29074
~~payment rate for nursing facility services provided under the~~ 29075
~~alternative purchasing model at either of the following:~~ 29076

~~(a) Sixty per cent of the statewide average of the total per~~ 29077
~~Medicaid day payment rate for long-term acute care hospital~~ 29078
~~services as of the first day of the fiscal year;~~ 29079

~~(b) Another amount determined in accordance with an~~ 29080
~~alternative methodology that includes improved health outcomes as~~ 29081
~~a factor in determining the payment rate;~~ 29082

(4) Require, to the extent the director considers necessary, 29083
a medicaid recipient to obtain prior authorization for admission 29084
to a long-term acute care hospital or rehabilitation hospital as a 29085
condition of medicaid payment for long-term acute care hospital or 29086
rehabilitation hospital services. 29087

The (B) The criteria established under division (A)(1) of 29088
this section shall provide for a discrete unit of a nursing 29089
facility to be excluded from the alternative purchasing model if 29090
the unit is paid for nursing facility services in accordance with 29091
section 5165.153, 5165.154, or 5165.156 of the Revised Code. The 29092
criteria may require the provider of a nursing facility that has a 29093
discrete unit designated for participation in the alternative 29094
purchasing model to report health outcome measurement data to the 29095
department of medicaid. 29096

(C) A discrete unit of a nursing facility that provides 29097
nursing facility services to medicaid recipients with specialized 29098
health care needs under the alternative purchasing model shall be 29099
paid for those services in accordance with division (A)(3) of this 29100
section instead of the total per Medicaid medicaid day payment 29101
rate for nursing facility services provided under the alternative 29102
purchasing model may differ from the rate that would otherwise be 29103
paid pursuant to Chapter 5165. determined under section 5165.15, 29104
5165.153, 5165.154, or 5165.156 of the Revised Code. 29105

Sec. 5165.23. (A) Each fiscal year, the department of 29106
medicaid shall determine the critical access incentive payment for 29107
each nursing facility that qualifies as a critical access nursing 29108
facility. To qualify as a critical access nursing facility for a 29109
fiscal year, a nursing facility must meet all of the following 29110
requirements: 29111

(1) The nursing facility must be located in an area that, on 29112
December 31, 2011, was designated an empowerment zone under the 29113

"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 29114

(2) The nursing facility must have an occupancy rate of at 29115
least eighty-five per cent as of the last day of the calendar year 29116
immediately preceding the fiscal year. 29117

(3) The nursing facility must have a medicaid utilization 29118
rate of at least sixty-five per cent as of the last day of the 29119
calendar year immediately preceding the fiscal year. 29120

(4) The nursing facility must have been awarded at least five 29121
points for meeting accountability measures under section 5165.25 29122
of the Revised Code for the fiscal year and at least one of the 29123
five points must have been awarded for meeting the following: 29124

~~(a) For fiscal year 2014, the accountability measures 29125
identified in divisions (C)(10), (11), (12), and (13) of section 29126
5165.25 of the Revised Code; 29127~~

~~(b) For fiscal year 2015 and each fiscal year thereafter, the 29128
accountability measures identified in divisions ~~(D)~~(C)(9), (10), 29129
(11), (12), and (14) of section 5165.25 of the Revised Code. 29130~~

(B) A critical access nursing facility's critical access 29131
incentive payment for a fiscal year shall equal five per cent of 29132
the portion of the nursing facility's total rate for the fiscal 29133
year that is the sum of the rates and payment identified in 29134
divisions (A)(1) to (4) and (6) of section 5165.15 of the Revised 29135
Code. 29136

Sec. 5165.25. (A) As used in this section: 29137

(1) "Complaint surveys" has the same meaning as in 42 C.F.R. 29138
488.30. 29139

(2) "Customer satisfaction survey" means the annual survey of 29140
long-term care facilities required by section 173.47 of the 29141
Revised Code. 29142

- (3) "Deficiency" has the same meaning as in 42 C.F.R. 29143
488.301. 29144
- (4) "Exempted hospital discharge" has the same meaning as in 29145
42 C.F.R. 483.106(b)(2)(i). 29146
- (5) "Family satisfaction survey" means a customer 29147
satisfaction survey, or part of a customer satisfaction survey, 29148
that contains the results of information obtained from the 29149
families of a nursing facility's residents. 29150
- (6) "Minimum data set" means the standardized, uniform 29151
comprehensive assessment of nursing facility residents that is 29152
used to identify potential problems, strengths, and preferences of 29153
residents and is part of the resident assessment instrument 29154
required by the "Social Security Act," section 1919(e)(5), 42 29155
U.S.C. 1396r(e)(5). 29156
- (7) "Nurse aide" has the same meaning as in section 3721.21 29157
of the Revised Code. 29158
- (8) "Person-centered method of medication delivery" means a 29159
method of delivering medication to a nursing facility resident 29160
that allows flexibility in the time at which medication is 29161
administered to the resident to reflect the resident's 29162
preferences. "Person-centered method of medication delivery" may 29163
include utilization of a locked medication cabinet in a nursing 29164
facility resident's room. 29165
- (9) "Resident satisfaction survey" means a customer 29166
satisfaction survey, or part of a customer satisfaction survey, 29167
that contains the results of information obtained from a nursing 29168
facility's residents. 29169
- ~~(9) "Room mirror" means a mirror that is located in either of 29170
the following rooms:~~ 29171
- ~~(a) A resident bathroom if the sink used by a resident after 29172~~

~~the resident uses the resident bathroom is in the resident~~ 29173
~~bathroom;~~ 29174

~~(b) A resident's room if the sink used by a resident after~~ 29175
~~the resident uses the resident bathroom is in the resident's room.~~ 29176

~~(10) "Room sink" means a sink that is located in either of~~ 29177
~~the following rooms:~~ 29178

~~(a) A resident bathroom if the sink used by a resident after~~ 29179
~~the resident uses the resident bathroom is in the resident~~ 29180
~~bathroom;~~ 29181

~~(b) A resident's room if the sink used by a resident after~~ 29182
~~the resident uses the resident bathroom is in the resident's room.~~ 29183

~~(11)~~(10) "Standard survey" has the same meaning as in 42 29184
C.F.R. 488.301. 29185

~~(12)~~(11) "Special focus facility list" means the list of 29186
nursing facilities that the United States department of health and 29187
human services creates under the special focus facility program 29188
required by the "Social Security Act," section 1919(f)(10), 42 29189
U.S.C. 1396r(f)(10). 29190

~~(13)~~(12) "Substantial wall" means a permanent structure that 29191
reaches from floor to ceiling and divides a semiprivate room into 29192
two distinct living spaces, each with its own window. 29193

~~(14)~~(13) "Table B of the special focus facility list" means 29194
the table included in the special focus facility list that 29195
identifies nursing facilities that have not improved. 29196

(B)(1) Each fiscal year, the department of medicaid shall 29197
determine each nursing facility's quality incentive payment. 29198
Subject to ~~divisions~~ division (B)(2) ~~and (3)~~ of this section, the 29199
per medicaid day amount of a quality incentive payment paid to a 29200
nursing facility provider shall be the product of the following: 29201

(a) The number of points the provider's nursing facility is 29202

awarded for meeting accountability measures under this section; 29203

(b) Three dollars and twenty-nine cents. 29204

~~(2) The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2014 shall be sixteen dollars and forty four cents per medicaid day.~~ 29205
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~~(3)~~ The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2015 and each fiscal year thereafter shall be the following: 29208
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(a) Sixteen dollars and forty-four cents if at least one of the points awarded to the nursing facility for meeting accountability measures is for an accountability measure identified in division ~~(D)~~(C)(9), (10), (11), (12), (13), or (14) of this section; 29211
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(b) Thirteen dollars and sixteen cents if division ~~(B)~~(3)(2)(a) of this section does not apply. 29216
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~~(C) For fiscal year 2014 only and subject to division (E) 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:~~ 29218
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~~(1) The facility's overall score on its resident satisfaction survey is at least eighty six.~~ 29222
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~~(2) The facility's overall score on its family satisfaction survey is at least eighty eight.~~ 29224
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~~(3) The facility satisfies the requirements for participation in the advancing excellence in America's nursing homes campaign.~~ 29226
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~~(4) 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~~ 29228
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year for which the point is to be awarded:	29233
(a) A health deficiency with a scope and severity level greater than F:	29234
(b) A deficiency that constitutes a substandard quality of care:	29235
(5) The facility offers at least fifty per cent of its residents at least one of the following dining choices for at least one meal each day:	29236
(a) Restaurant style dining in which food is brought from the food preparation area to residents per the residents' orders;	29237
(b) 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;	29238
(c) Family style dining in which food is customarily served on a serving dish and shared by residents;	29239
(d) Open dining in which residents have at least a two hour period to choose when to have a meal;	29240
(e) Twenty four hour dining in which residents may order meals from the facility any time of the day.	29241
(6) At least fifty per cent of the facility's residents are able to take a bath or shower as often as they choose.	29242
(7) The facility has at least both of the following scores on its resident satisfaction survey:	29243
(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;	29244
(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.	29245
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(8) The facility has at least both of the following scores on its family satisfaction survey:	29262
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(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;	29264
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	29266
(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.	29267
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	29269
(9) All of the following apply to the facility:	29270
(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.	29271
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(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records.	29279
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	29281
(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.	29282
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	29284
(10) 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.	29285
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	29287
(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.	29288
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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.~~ 29292
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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.~~ 29295
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~~(14) The facility uses a tool for tracking residents' admissions to hospitals.~~ 29298
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~~(15) An average of at least fifty per cent of the facility's medicaid certified beds are in private rooms.~~ 29300
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~~(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:~~ 29302
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~~(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.~~ 29305
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~~(b) There are room sinks that are accessible to residents in wheelchairs and have clearance for wheelchairs.~~ 29308
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~~(c) There are room sinks that have faucets with adaptive or easy to use lever or paddle handles.~~ 29310
29311

~~(17) The facility does both of the following:~~ 29312

~~(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;~~ 29313
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~~(b) Communicates the policy to its staff, residents, and families of residents.~~ 29316
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~~(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.~~ 29318
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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.	29322 29323 29324 29325
(20) The facility does both of the following:	29326
(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;	29327 29328 29329 29330
(b) Communicates the policy to its staff, residents, and families of residents.	29331 29332
(21) The facility's staff retention rate is at least seventy five per cent.	29333 29334
(22) The facility's turnover rate for nurse aides is not higher than sixty five per cent.	29335 29336
(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.	29337 29338 29339 29340
(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:	29341 29342 29343 29344 29345
(1) The facility's overall score on its resident satisfaction survey is at least eighty-seven and five-tenths.	29346 29347
(2) The facility's overall score on its family satisfaction survey is at least eighty-five and nine-tenths.	29348 29349
(3) The facility satisfies the requirements for participation in the advancing excellence in America's nursing homes campaign.	29350 29351

(4) Both of the following apply to the facility:	29352
(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.	29353 29354 29355 29356
(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:	29357 29358 29359 29360 29361 29362
(i) A health deficiency with a scope and severity level greater than F;	29363 29364
(ii) A deficiency that constitutes a substandard quality of care.	29365 29366
(5) The facility does all of the following:	29367
(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:	29368 29369 29370
(i) Restaurant-style dining in which food is brought from the food preparation area to residents per the residents' orders;	29371 29372
(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;	29373 29374 29375
(iii) Family-style dining in which food is customarily served on a serving dish and shared by residents;	29376 29377
(iv) Open dining in which residents have at least a two-hour period to choose when to have a meal;	29378 29379
(v) Twenty-four-hour dining in which residents may order meals from the facility any time of the day.	29380 29381

(b) Maintains a written policy specifying the manner or manners in which residents' dining choices for meals are offered;	29382 29383
(c) Communicates the policy to its staff, residents, and families of residents.	29384 29385
(6) The facility does all of the following:	29386
(a) Enables at least fifty per cent of the facility's residents to take a bath or shower when they choose;	29387 29388
(b) Maintains a written policy regarding residents' choices in bathing;	29389 29390
(c) Communicates the policy to its staff, residents, and families of residents.	29391 29392
(7) The facility has at least both of the following scores on its resident satisfaction survey:	29393 29394
(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;	29395 29396 29397
(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.	29398 29399 29400
(8) The facility has at least both of the following scores on its family satisfaction survey:	29401 29402
(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;	29403 29404 29405
(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.	29406 29407 29408
(9) Not more than thirteen and thirty-five hundredths per cent of the facility's long-stay residents report severe to	29409 29410

moderate pain during the minimum data set assessment process.	29411
(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.	29412 29413 29414 29415
(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.	29416 29417 29418
(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.	29419 29420 29421
(13) The facility does both of the following:	29422
(a) Uses a tool for tracking residents' admissions to hospitals;	29423 29424
(b) Annually reports to the department data on hospital admissions by month for all residents.	29425 29426
(14) Both of the following apply:	29427
(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.	29428 29429 29430 29431
(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 vaccination is medically contraindicated.	29432 29433 29434 29435
(15) An average of at least fifty per cent of the facility's medicaid-certified beds are in either, or in a combination of both, of the following:	29436 29437 29438
(a) Private rooms;	29439

(b) Semiprivate rooms to which all of the following apply:	29440
(i) Each room provides a distinct territory for each resident occupying the room.	29441 29442
(ii) Each distinct territory has a window and is separated by a substantial wall from the other distinct territories in the room.	29443 29444 29445
(iii) Each resident is able to enter and exit the distinct territory of the resident's room without entering or exiting another resident's distinct territory.	29446 29447 29448
(iv) Complete visual privacy for each distinct territory may be obtained by drawing a curtain or other screen.	29449 29450
(16) The facility obtains at least a ninety-five per cent compliance rate with requesting resident reviews required by 42 C.F.R. 483.106(b)(2)(ii) for individuals who are exempted hospital discharges.	29451 29452 29453 29454
(17) The facility does both of the following:	29455
(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 twelve different nurse aides during a thirty-day period;	29456 29457 29458 29459
(b) Communicates the policy to its staff, residents, and families of residents.	29460 29461
(18) The facility's staff retention rate is at least seventy-five per cent.	29462 29463
(19) The facility's turnover rate for nurse aides is not higher than sixty-five per cent.	29464 29465
(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.	29466 29467 29468 29469

- (21) All of the following apply to the facility: 29470
- (a) At least seventy-five per cent of the facility's 29471
residents have the opportunity, following admission to the 29472
facility and before completing or quarterly updating their 29473
individual plans of care, to discuss their goals for the care they 29474
are to receive at the facility, including their preferences for 29475
advance care planning, with a member of the residents' health care 29476
teams that the facility, residents, and residents' sponsors 29477
consider appropriate. 29478
- (b) The facility records the residents' care goals, including 29479
the residents' advance care planning preferences, in their medical 29480
records. 29481
- (c) The facility uses the residents' care goals, including 29482
the residents' advance care planning preferences, in the 29483
development of the residents' individual plans of care. 29484
- (22) The facility does both of the following: 29485
- (a) Maintains a written policy that prohibits the use of 29486
overhead paging systems or limits the use of overhead paging 29487
systems to emergencies, as defined in the policy; 29488
- (b) Communicates the policy to its staff, residents, and 29489
families of residents. 29490
- (23) The facility employs, for at least forty hours per week, 29491
at least one independent social worker or social worker licensed 29492
under Chapter 4757. of the Revised Code. 29493
- (24) The facility utilizes a person-centered method of 29494
medication delivery for its residents instead of utilizing a 29495
medication cart to deliver medication to its residents. 29496
- ~~(E)(D)~~(1) To be awarded a point for meeting an accountability 29497
measure under division (C) ~~or (D)~~ of this section other than the 29498
accountability measure identified in ~~divisions (C)(4) and (D)~~ 29499

division (C)(4)(b) of this section, a nursing facility must meet 29500
the accountability measure in the calendar year immediately 29501
preceding the fiscal year for which the point is to be awarded. 29502

(2) The department shall award points pursuant to divisions 29503
(C)(1), ~~(7), and (18)~~ and ~~(D)(1)~~ and (7) of this section to a 29504
nursing facility only if a resident satisfaction survey was 29505
initiated under section 173.47 of the Revised Code for the nursing 29506
facility in the calendar year immediately preceding the fiscal 29507
year for which the points are to be awarded. 29508

(3) The department shall award points pursuant to divisions 29509
(C)(2), ~~(8), and (19)~~ and ~~(D)(2)~~ and (8) of this section to a 29510
nursing facility only if a family satisfaction survey was 29511
initiated under section 173.47 of the Revised Code for the nursing 29512
facility in the calendar year immediately preceding the fiscal 29513
year for which the points are to be awarded. 29514

(4) The department shall award points pursuant to divisions 29515
~~(D)~~(C)(21) and (22) of this section only for fiscal year 2015. 29516

~~(5) Not later than July 1, 2013, the department shall adjust 29517
the score used for the purpose of division (C)(8)(b) of this 29518
section in a manner that causes at least fifty per cent of nursing 29519
facilities to meet division (C)(8)(b) of this section~~ The 29520
department shall award points pursuant to divisions (C)(23) and 29521
(24) of this section beginning in fiscal year 2016. 29522

~~(F) Not later than July 1, 2014, the department shall submit, 29523
in accordance with section 101.68 of the Revised Code, 29524
recommendations to the general assembly for accountability 29525
measures to replace the accountability measures identified in 29526
divisions (D)(21) and (22) of this section.~~ 29527

~~(G) Rules adopted under section 5165.02 of the Revised Code 29528
may specify what is meant by "some" as that word is used in 29529
division (C)(16) of this section.~~ 29530

Sec. 5165.65. (A) ~~At the conclusion of each~~ A department of 29531
health survey team shall conclude each survey of a nursing 29532
facility not later than one business day after the survey team 29533
ceases to need to be on site at the facility for the survey. Not 29534
later than the day that the survey team concludes the survey, the 29535
~~department of health~~ survey team shall conduct an exit interview 29536
with the administrator or other person in charge of the ~~nursing~~ 29537
facility and any other facility staff members designated by the 29538
administrator or person in charge of the facility. During the exit 29539
interview, at the request of the administrator or other person in 29540
charge of the facility, the survey team shall provide one of the 29541
following, as selected by the survey team: 29542

(1) Copies of all survey notes and any other written 29543
materials created during the survey; 29544

(2) A written summary of the survey team's recommendations 29545
regarding findings of noncompliance with certification 29546
requirements; 29547

(3) An audio or audiovisual recording of the interview. If 29548
the survey team selects this option, at least two copies of the 29549
recording shall be made and the survey team shall select one copy 29550
to be kept by the survey team for use by the department of health. 29551

(B) All expenses of copying under division (A)(1) of this 29552
section or recording under division (A)(3) of this section, 29553
including the cost of the copy of the recording kept by the survey 29554
team, shall be paid by the facility. 29555

Sec. 5165.68. (A) Not later than ten days after an exit 29556
interview, including an exit interview at which a department of 29557
health survey team discloses a finding that immediate jeopardy 29558
exists, the department of health shall deliver to the nursing 29559
facility a detailed statement, titled a statement of deficiencies, 29560

setting forth all findings and deficiencies cited on the basis of 29561
the survey, including any finding cited pursuant to division (E) 29562
of section 5165.66 of the Revised Code. The statement shall 29563
indicate the severity and scope level of each finding and fully 29564
describe the incidents or other facts that form the basis of the 29565
department's determination of the existence of each finding and 29566
deficiency. A failure by the survey team to completely disclose in 29567
the exit interview every finding that may result from the survey 29568
does not affect the validity of any finding or deficiency cited in 29569
the statement of deficiencies. On request of the facility, the 29570
department shall provide a copy of any written worksheet or other 29571
document produced by the survey team in making recommendations 29572
regarding scope and severity levels of findings and deficiencies. 29573

(B) At the same time the department of health delivers a 29574
statement of deficiencies, it also shall deliver to the facility a 29575
separate written notice that states all of the following: 29576

(1) That the department of medicaid or a contracting agency 29577
will issue an order under section 5165.84 of the Revised Code 29578
denying payment for any medicaid eligible residents admitted on 29579
and after the effective date of the order if the facility does not 29580
substantially correct, within ninety days after the exit 29581
interview, the deficiency or deficiencies cited in the statement 29582
of deficiencies in accordance with the plan of correction it 29583
submitted under section 5165.69 of the Revised Code; 29584

(2) If a condition of substandard care has been cited on the 29585
basis of a standard survey and a condition of substandard care was 29586
also cited on the immediately preceding standard survey, that the 29587
department of medicaid or a contracting agency will issue an order 29588
under section 5165.84 of the Revised Code denying payment for any 29589
medicaid eligible residents admitted on and after the effective 29590
date of the order if a condition of substandard care is cited on 29591
the basis of the next standard survey; 29592

(3) That the department of medicaid or a contracting agency will issue an order under section 5165.88 of the Revised Code terminating the facility's participation in the medicaid program if either of the following applies:

(a) The facility does not substantially correct the deficiency or deficiencies in accordance with the plan of correction it submitted under section 5165.69 of the Revised Code within six months after the exit interview.

(b) The facility substantially corrects the deficiency or deficiencies within the six-month period, but after correcting it, the department of health, based on a follow-up survey conducted during the remainder of the six-month period, determines that the facility has failed to maintain compliance with certification requirements.

Sec. 5513.01. (A) ~~All~~ The director of transportation shall make all purchases of machinery, materials, supplies, or other articles ~~that the director of transportation makes shall be~~ in the manner provided in this section. In all cases except those in which the director provides written authorization for purchases by district deputy directors of transportation, the director shall ~~make~~ all such purchases ~~shall be made~~ at the central office of the department of transportation in Columbus. Before making any purchase at that office, the director, as provided in this section, shall give notice to bidders of the director's intention to purchase. Where the expenditure does not exceed the amount applicable to the purchase of supplies specified in division (B) of section 125.05 of the Revised Code, as adjusted pursuant to division (D) of that section, the director shall give such notice as the director considers proper, or the director may make the purchase without notice. Where the expenditure exceeds the amount applicable to the purchase of supplies specified in division (B)

of section 125.05 of the Revised Code, as adjusted pursuant to 29624
division (D) of that section, the director shall give notice by 29625
posting for not less than ten days a written, typed, or printed 29626
invitation to bidders on a bulletin board, ~~which~~. The director 29627
shall ~~be located~~ locate the notice in a place in the offices 29628
assigned to the department and open to the public during business 29629
hours. ~~Producers~~ 29630

Producers or distributors of any product may notify the 29631
director, in writing, of the class of articles for the furnishing 29632
of which they desire to bid and their post-office addresses, ~~in~~ 29633
~~which case~~. In that circumstance, the director shall mail copies 29634
of all invitations to bidders relating to the purchase of such 29635
articles ~~shall be mailed~~ to such persons ~~by the director~~ by 29636
regular first class mail at least ten days prior to the time fixed 29637
for taking bids. The director also may mail copies of all 29638
invitations to bidders to news agencies or other agencies or 29639
organizations distributing information of this character. Requests 29640
for invitations ~~shall~~ are not be valid nor and do not require 29641
action by the director unless renewed by the director, either 29642
annually or after such shorter period as the director may 29643
prescribe by a general rule. ~~The~~ 29644

The director shall include in an invitation to bidders ~~shall~~ 29645
~~contain~~ a brief statement of the general character of the article 29646
that it is intended to purchase, the approximate quantity desired, 29647
and a statement of the time and place where bids will be received, 29648
and may relate to and describe as many different articles as the 29649
director thinks proper, it being the intent and purpose of this 29650
section to authorize the inclusion in a single invitation of as 29651
many different articles as the director desires to invite bids 29652
upon at any given time. ~~Invitations~~ The director shall give 29653
invitations issued during each calendar year ~~shall be given~~ 29654
consecutive numbers, and ensure that the number assigned to each 29655

invitation ~~shall appear~~ appears on all copies thereof. In all 29656
cases where notice is required by this section, the director shall 29657
require sealed bids ~~shall be taken~~, on forms prescribed and 29658
furnished by the director, ~~and~~. The director shall not permit the 29659
modification of bids after they have been opened ~~shall not be~~ 29660
~~permitted~~. 29661

(B) The director may permit the Ohio turnpike and 29662
infrastructure commission, any political subdivision, and any 29663
state university or college to participate in contracts into which 29664
the director has entered for the purchase of machinery, materials, 29665
supplies, or other articles. The turnpike and infrastructure 29666
commission and any political subdivision or state university or 29667
college desiring to participate in such purchase contracts shall 29668
file with the director a certified copy of the bylaws or rules of 29669
the turnpike and infrastructure commission or the ordinance or 29670
resolution of the legislative authority, board of trustees, or 29671
other governing board requesting authorization to participate in 29672
such contracts and agreeing to be bound by such terms and 29673
conditions as the director prescribes. Purchases made by the 29674
turnpike and infrastructure commission, political subdivisions, or 29675
state universities or colleges under this division are exempt from 29676
any competitive bidding required by law for the purchase of 29677
machinery, materials, supplies, or other articles. 29678

(C) As used in this section: 29679

(1) "Political subdivision" means any county, township, 29680
municipal corporation, conservancy district, township park 29681
district, park district created under Chapter 1545. of the Revised 29682
Code, port authority, regional transit authority, regional airport 29683
authority, regional water and sewer district, county transit 29684
board, ~~or~~ school district as defined in section 5513.04 of the 29685
Revised Code, regional planning commission formed under section 29686
713.21 of the Revised Code, regional council of government formed 29687

under section 167.01 of the Revised Code, or other association of 29688
local governments established pursuant to an agreement under 29689
sections 307.14 to 307.19 of the Revised Code. 29690

(2) "State university or college" has the same meaning as in 29691
division (A)(1) of section 3345.32 of the Revised Code. 29692

(3) "Ohio turnpike and infrastructure commission" means the 29693
commission created by section 5537.02 of the Revised Code. 29694

Sec. 5531.10. (A) As used in this chapter: 29695

(1) "Bond proceedings" means the resolution, order, trust 29696
agreement, indenture, lease, lease-purchase agreements, and other 29697
agreements, amendments and supplements to the foregoing, or any 29698
one or more or combination thereof, authorizing or providing for 29699
the terms and conditions applicable to, or providing for the 29700
security or liquidity of, obligations issued pursuant to this 29701
section, and the provisions contained in such obligations. 29702

(2) "Bond service charges" means principal, including 29703
mandatory sinking fund requirements for retirement of obligations, 29704
and interest, and redemption premium, if any, required to be paid 29705
by the state on obligations. 29706

(3) "Bond service fund" means the applicable fund and 29707
accounts therein created for and pledged to the payment of bond 29708
service charges, which may be, or may be part of, the state 29709
infrastructure bank revenue bond service fund created by division 29710
(R) of this section including all moneys and investments, and 29711
earnings from investments, credited and to be credited thereto. 29712

(4) "Issuing authority" means the treasurer of state, or the 29713
officer who by law performs the functions of the treasurer of 29714
state. 29715

(5) "Obligations" means bonds, notes, or other evidence of 29716
obligation including interest coupons pertaining thereto, issued 29717

pursuant to this section. 29718

(6) "Pledged receipts" means moneys accruing to the state 29719
from the lease, lease-purchase, sale, or other disposition, or 29720
use, of qualified projects, and from the repayment, including 29721
interest, of loans made from proceeds received from the sale of 29722
obligations; accrued interest received from the sale of 29723
obligations; income from the investment of the special funds; any 29724
gifts, grants, donations, and pledges, and receipts therefrom, 29725
available for the payment of bond service charges; and any amounts 29726
in the state infrastructure bank pledged to the payment of such 29727
charges. If the amounts in the state infrastructure bank are 29728
insufficient for the payment of such charges, "pledged receipts" 29729
also means moneys that are apportioned by the United States 29730
secretary of transportation under United States Code, Title XXIII, 29731
as amended, or any successor legislation, or under any other 29732
federal law relating to aid for highways, and that are to be 29733
received as a grant by the state, to the extent the state is not 29734
prohibited by state or federal law from using such moneys and the 29735
moneys are pledged to the payment of such bond service charges. 29736

(7) "Special funds" or "funds" means, except where the 29737
context does not permit, the bond service fund, and any other 29738
funds, including reserve funds, created under the bond 29739
proceedings, and the state infrastructure bank revenue bond 29740
service fund created by division (R) of this section to the extent 29741
provided in the bond proceedings, including all moneys and 29742
investments, and earnings from investment, credited and to be 29743
credited thereto. 29744

(8) "State infrastructure project" means any public 29745
transportation project undertaken by the state, including, but not 29746
limited to, all components of any such project, as described in 29747
division (D) of section 5531.09 of the Revised Code. 29748

(9) "District obligations" means bonds, notes, or other 29749

evidence of obligation including interest coupons pertaining 29750
thereto, issued to finance a qualified project by a transportation 29751
improvement district created pursuant to section 5540.02 of the 29752
Revised Code, of which the principal, including mandatory sinking 29753
fund requirements for retirement of such obligations, and interest 29754
and redemption premium, if any, are payable by the department of 29755
transportation. 29756

(B) The issuing authority, after giving written notice to the 29757
director of budget and management and upon the certification by 29758
the director of transportation to the issuing authority of the 29759
amount of moneys or additional moneys needed either for state 29760
infrastructure projects or to provide financial assistance for any 29761
of the purposes for which the state infrastructure bank may be 29762
used under section 5531.09 of the Revised Code, or needed for 29763
capitalized interest, funding reserves, and paying costs and 29764
expenses incurred in connection with the issuance, carrying, 29765
securing, paying, redeeming, or retirement of the obligations or 29766
any obligations refunded thereby, including payment of costs and 29767
expenses relating to letters of credit, lines of credit, 29768
insurance, put agreements, standby purchase agreements, indexing, 29769
marketing, remarketing and administrative arrangements, interest 29770
swap or hedging agreements, and any other credit enhancement, 29771
liquidity, remarketing, renewal, or refunding arrangements, all of 29772
which are authorized by this section, shall issue obligations of 29773
the state under this section in the required amount. The proceeds 29774
of such obligations, except for the portion to be deposited in 29775
special funds, including reserve funds, as may be provided in the 29776
bond proceedings, shall as provided in the bond proceedings be 29777
credited to the infrastructure bank obligations fund of the state 29778
infrastructure bank created by section 5531.09 of the Revised Code 29779
and disbursed as provided in the bond proceedings for such 29780
obligations. The issuing authority may appoint trustees, paying 29781
agents, transfer agents, and authenticating agents, and may retain 29782

the services of financial advisors, accounting experts, and 29783
attorneys, and retain or contract for the services of marketing, 29784
remarketing, indexing, and administrative agents, other 29785
consultants, and independent contractors, including printing 29786
services, as are necessary in the issuing authority's judgment to 29787
carry out this section. The costs of such services are payable 29788
from funds of the state infrastructure bank or as otherwise 29789
provided in the bond proceedings. 29790

(C) The holders or owners of such obligations shall have no 29791
right to have moneys raised by taxation by the state of Ohio 29792
obligated or pledged, and moneys so raised shall not be obligated 29793
or pledged, for the payment of bond service charges. The right of 29794
such holders and owners to the payment of bond service charges is 29795
limited to all or that portion of the pledged receipts and those 29796
special funds pledged thereto pursuant to the bond proceedings for 29797
such obligations in accordance with this section, and each such 29798
obligation shall bear on its face a statement to that effect. 29799
Moneys received as repayment of loans made by the state 29800
infrastructure bank pursuant to section 5531.09 of the Revised 29801
Code shall not be considered moneys raised by taxation by the 29802
state of Ohio regardless of the source of the moneys. 29803

(D) Obligations shall be authorized by order of the issuing 29804
authority and the bond proceedings shall provide for the purpose 29805
thereof and the principal amount or amounts, and shall provide for 29806
or authorize the manner or agency for determining the principal 29807
maturity or maturities, not exceeding twenty-five years from the 29808
date of issuance or, with respect to obligations issued to finance 29809
a transportation facility pursuant to a public-private agreement, 29810
not exceeding forty-five years from the date of issuance, the 29811
interest rate or rates or the maximum interest rate, the date of 29812
the obligations and the dates of payment of interest thereon, 29813
their denomination, and the establishment within or without the 29814

state of a place or places of payment of bond service charges. 29815
Sections 9.98 to 9.983 of the Revised Code are applicable to 29816
obligations issued under this section. The purpose of such 29817
obligations may be stated in the bond proceedings in terms 29818
describing the general purpose or purposes to be served. The bond 29819
proceedings also shall provide, subject to the provisions of any 29820
other applicable bond proceedings, for the pledge of all, or such 29821
part as the issuing authority may determine, of the pledged 29822
receipts and the applicable special fund or funds to the payment 29823
of bond service charges, which pledges may be made either prior or 29824
subordinate to other expenses, claims, or payments, and may be 29825
made to secure the obligations on a parity with obligations 29826
theretofore or thereafter issued, if and to the extent provided in 29827
the bond proceedings. The pledged receipts and special funds so 29828
pledged and thereafter received by the state immediately are 29829
subject to the lien of such pledge without any physical delivery 29830
thereof or further act, and the lien of any such pledges is valid 29831
and binding against all parties having claims of any kind against 29832
the state or any governmental agency of the state, irrespective of 29833
whether such parties have notice thereof, and shall create a 29834
perfected security interest for all purposes of Chapter 1309. of 29835
the Revised Code, without the necessity for separation or delivery 29836
of funds or for the filing or recording of the bond proceedings by 29837
which such pledge is created or any certificate, statement, or 29838
other document with respect thereto; and the pledge of such 29839
pledged receipts and special funds is effective and the money 29840
therefrom and thereof may be applied to the purposes for which 29841
pledged without necessity for any act of appropriation. Every 29842
pledge, and every covenant and agreement made with respect 29843
thereto, made in the bond proceedings may therein be extended to 29844
the benefit of the owners and holders of obligations authorized by 29845
this section, and to any trustee therefor, for the further 29846
security of the payment of the bond service charges. 29847

For purposes of this division, "transportation facility" and 29848
"public-private agreement" have the same meanings as in section 29849
5501.70 of the Revised Code. 29850

(E) The bond proceedings may contain additional provisions as 29851
to: 29852

(1) The redemption of obligations prior to maturity at the 29853
option of the issuing authority at such price or prices and under 29854
such terms and conditions as are provided in the bond proceedings; 29855

(2) Other terms of the obligations; 29856

(3) Limitations on the issuance of additional obligations; 29857

(4) The terms of any trust agreement or indenture securing 29858
the obligations or under which the same may be issued; 29859

(5) The deposit, investment, and application of special 29860
funds, and the safeguarding of moneys on hand or on deposit, 29861
without regard to Chapter 131. or 135. of the Revised Code, but 29862
subject to any special provisions of this section with respect to 29863
particular funds or moneys, provided that any bank or trust 29864
company which acts as depository of any moneys in the special 29865
funds may furnish such indemnifying bonds or may pledge such 29866
securities as required by the issuing authority; 29867

(6) Any or every provision of the bond proceedings being 29868
binding upon such officer, board, commission, authority, agency, 29869
department, or other person or body as may from time to time have 29870
the authority under law to take such actions as may be necessary 29871
to perform all or any part of the duty required by such provision; 29872

(7) Any provision that may be made in a trust agreement or 29873
indenture; 29874

(8) Any other or additional agreements with the holders of 29875
the obligations, or the trustee therefor, relating to the 29876
obligations or the security therefor, including the assignment of 29877

mortgages or other security relating to financial assistance for 29878
qualified projects under section 5531.09 of the Revised Code. 29879

(F) The obligations may have the great seal of the state or a 29880
facsimile thereof affixed thereto or printed thereon. The 29881
obligations and any coupons pertaining to obligations shall be 29882
signed or bear the facsimile signature of the issuing authority. 29883
Any obligations or coupons may be executed by the person who, on 29884
the date of execution, is the proper issuing authority although on 29885
the date of such bonds or coupons such person was not the issuing 29886
authority. In case the issuing authority whose signature or a 29887
facsimile of whose signature appears on any such obligation or 29888
coupon ceases to be the issuing authority before delivery thereof, 29889
such signature or facsimile nevertheless is valid and sufficient 29890
for all purposes as if the former issuing authority had remained 29891
the issuing authority until such delivery; and in case the seal to 29892
be affixed to obligations has been changed after a facsimile of 29893
the seal has been imprinted on such obligations, such facsimile 29894
seal shall continue to be sufficient as to such obligations and 29895
obligations issued in substitution or exchange therefor. 29896

(G) All obligations are negotiable instruments and securities 29897
under Chapter 1308. of the Revised Code, subject to the provisions 29898
of the bond proceedings as to registration. The obligations may be 29899
issued in coupon or in registered form, or both, as the issuing 29900
authority determines. Provision may be made for the registration 29901
of any obligations with coupons attached thereto as to principal 29902
alone or as to both principal and interest, their exchange for 29903
obligations so registered, and for the conversion or reconversion 29904
into obligations with coupons attached thereto of any obligations 29905
registered as to both principal and interest, and for reasonable 29906
charges for such registration, exchange, conversion, and 29907
reconversion. 29908

(H) Obligations may be sold at public sale or at private 29909

sale, as determined in the bond proceedings. 29910

(I) Pending preparation of definitive obligations, the 29911
issuing authority may issue interim receipts or certificates which 29912
shall be exchanged for such definitive obligations. 29913

(J) In the discretion of the issuing authority, obligations 29914
may be secured additionally by a trust agreement or indenture 29915
between the issuing authority and a corporate trustee which may be 29916
any trust company or bank ~~having~~ possessing corporate trust powers 29917
that has a place of business within or without the state. Any such 29918
agreement or indenture may contain the order authorizing the 29919
issuance of the obligations, any provisions that may be contained 29920
in any bond proceedings, and other provisions which are customary 29921
or appropriate in an agreement or indenture of such type, 29922
including, but not limited to: 29923

(1) Maintenance of each pledge, trust agreement, indenture, 29924
or other instrument comprising part of the bond proceedings until 29925
the state has fully paid the bond service charges on the 29926
obligations secured thereby, or provision therefor has been made; 29927

(2) In the event of default in any payments required to be 29928
made by the bond proceedings, or any other agreement of the 29929
issuing authority made as a part of the contract under which the 29930
obligations were issued, enforcement of such payments or agreement 29931
by mandamus, the appointment of a receiver, suit in equity, action 29932
at law, or any combination of the foregoing; 29933

(3) The rights and remedies of the holders of obligations and 29934
of the trustee, and provisions for protecting and enforcing them, 29935
including limitations on the rights of individual holders of 29936
obligations; 29937

(4) The replacement of any obligations that become mutilated 29938
or are destroyed, lost, or stolen; 29939

(5) Such other provisions as the trustee and the issuing 29940

authority agree upon, including limitations, conditions, or 29941
qualifications relating to any of the foregoing. 29942

(K) Any holder of obligations or a trustee under the bond 29943
proceedings, except to the extent that the holder's or trustee's 29944
rights are restricted by the bond proceedings, may by any suitable 29945
form of legal proceedings, protect and enforce any rights under 29946
the laws of this state or granted by such bond proceedings. Such 29947
rights include the right to compel the performance of all duties 29948
of the issuing authority and the director of transportation 29949
required by the bond proceedings or sections 5531.09 and 5531.10 29950
of the Revised Code; to enjoin unlawful activities; and in the 29951
event of default with respect to the payment of any bond service 29952
charges on any obligations or in the performance of any covenant 29953
or agreement on the part of the issuing authority or the director 29954
of transportation in the bond proceedings, to apply to a court 29955
having jurisdiction of the cause to appoint a receiver to receive 29956
and administer the pledged receipts and special funds, other than 29957
those in the custody of the treasurer of state, which are pledged 29958
to the payment of the bond service charges on such obligations or 29959
which are the subject of the covenant or agreement, with full 29960
power to pay, and to provide for payment of bond service charges 29961
on, such obligations, and with such powers, subject to the 29962
direction of the court, as are accorded receivers in general 29963
equity cases, excluding any power to pledge additional revenues or 29964
receipts or other income or moneys of the state or local 29965
governmental entities, or agencies thereof, to the payment of such 29966
principal and interest and excluding the power to take possession 29967
of, mortgage, or cause the sale or otherwise dispose of any 29968
project facilities. 29969

Each duty of the issuing authority and the issuing 29970
authority's officers and employees, and of each state or local 29971
governmental agency and its officers, members, or employees, 29972

undertaken pursuant to the bond proceedings or any loan, loan 29973
guarantee, lease, lease-purchase agreement, or other agreement 29974
made under authority of section 5531.09 of the Revised Code, and 29975
in every agreement by or with the issuing authority, is hereby 29976
established as a duty of the issuing authority, and of each such 29977
officer, member, or employee having authority to perform such 29978
duty, specifically enjoined by the law resulting from an office, 29979
trust, or station within the meaning of section 2731.01 of the 29980
Revised Code. 29981

The person who is at the time the issuing authority, or the 29982
issuing authority's officers or employees, are not liable in their 29983
personal capacities on any obligations issued by the issuing 29984
authority or any agreements of or with the issuing authority. 29985

(L) The issuing authority may authorize and issue obligations 29986
for the refunding, including funding and retirement, and advance 29987
refunding with or without payment or redemption prior to maturity, 29988
of any obligations previously issued by the issuing authority or 29989
district obligations. Such refunding obligations may be issued in 29990
amounts sufficient for payment of the principal amount of the 29991
prior obligations or district obligations, any redemption premiums 29992
thereon, principal maturities of any such obligations or district 29993
obligations maturing prior to the redemption of the remaining 29994
obligations or district obligations on a parity therewith, 29995
interest accrued or to accrue to the maturity dates or dates of 29996
redemption of such obligations or district obligations, and any 29997
expenses incurred or to be incurred in connection with such 29998
issuance and such refunding, funding, and retirement. Subject to 29999
the bond proceedings therefor, the portion of proceeds of the sale 30000
of refunding obligations issued under this division to be applied 30001
to bond service charges on the prior obligations or district 30002
obligations shall be credited to an appropriate account held by 30003
the trustee for such prior or new obligations or to the 30004

appropriate account in the bond service fund for such obligations 30005
or district obligations. Obligations authorized under this 30006
division shall be deemed to be issued for those purposes for which 30007
such prior obligations or district obligations were issued and are 30008
subject to the provisions of this section pertaining to other 30009
obligations, except as otherwise provided in this section. The 30010
last maturity of obligations authorized under this division shall 30011
not be later than ~~twenty five years from the date of issuance~~ the 30012
latest permitted maturity of the original securities issued for 30013
the original purpose. 30014

(M) The authority to issue obligations under this section 30015
includes authority to issue obligations in the form of bond 30016
anticipation notes and to renew the same from time to time by the 30017
issuance of new notes. The holders of such notes or interest 30018
coupons pertaining thereto shall have a right to be paid solely 30019
from the pledged receipts and special funds that may be pledged to 30020
the payment of the bonds anticipated, or from the proceeds of such 30021
bonds or renewal notes, or both, as the issuing authority provides 30022
in the order authorizing such notes. Such notes may be 30023
additionally secured by covenants of the issuing authority to the 30024
effect that the issuing authority and the state will do such or 30025
all things necessary for the issuance of such bonds or renewal 30026
notes in the appropriate amount, and apply the proceeds thereof to 30027
the extent necessary, to make full payment of the principal of and 30028
interest on such notes at the time or times contemplated, as 30029
provided in such order. For such purpose, the issuing authority 30030
may issue bonds or renewal notes in such principal amount and upon 30031
such terms as may be necessary to provide funds to pay when 30032
required the principal of and interest on such notes, 30033
notwithstanding any limitations prescribed by or for purposes of 30034
this section. Subject to this division, all provisions for and 30035
references to obligations in this section are applicable to notes 30036
authorized under this division. 30037

The issuing authority in the bond proceedings authorizing the 30038
issuance of bond anticipation notes shall set forth for such bonds 30039
an estimated interest rate and a schedule of principal payments 30040
for such bonds and the annual maturity dates thereof. 30041

(N) Obligations issued under this section are lawful 30042
investments for banks, societies for savings, savings and loan 30043
associations, deposit guarantee associations, trust companies, 30044
trustees, fiduciaries, insurance companies, including domestic for 30045
life and domestic not for life, trustees or other officers having 30046
charge of sinking and bond retirement or other special funds of 30047
political subdivisions and taxing districts of this state, the 30048
commissioners of the sinking fund of the state, the administrator 30049
of workers' compensation, the state teachers retirement system, 30050
the public employees retirement system, the school employees 30051
retirement system, and the Ohio police and fire pension fund, 30052
notwithstanding any other provisions of the Revised Code or rules 30053
adopted pursuant thereto by any agency of the state with respect 30054
to investments by them, and are also acceptable as security for 30055
the deposit of public moneys. 30056

(O) Unless otherwise provided in any applicable bond 30057
proceedings, moneys to the credit of or in the special funds 30058
established by or pursuant to this section may be invested by or 30059
on behalf of the issuing authority only in notes, bonds, or other 30060
obligations of the United States, or of any agency or 30061
instrumentality of the United States, obligations guaranteed as to 30062
principal and interest by the United States, obligations of this 30063
state or any political subdivision of this state, and certificates 30064
of deposit of any national bank located in this state and any 30065
bank, as defined in section 1101.01 of the Revised Code, subject 30066
to inspection by the superintendent of financial institutions. If 30067
the law or the instrument creating a trust pursuant to division 30068
(J) of this section expressly permits investment in direct 30069

obligations of the United States or an agency of the United 30070
States, unless expressly prohibited by the instrument, such moneys 30071
also may be invested in no-front-end-load money market mutual 30072
funds consisting exclusively of obligations of the United States 30073
or an agency of the United States and in repurchase agreements, 30074
including those issued by the fiduciary itself, secured by 30075
obligations of the United States or an agency of the United 30076
States; and in collective investment funds as defined in division 30077
(A) of section 1111.01 of the Revised Code and consisting 30078
exclusively of any such securities. The income from such 30079
investments shall be credited to such funds as the issuing 30080
authority determines, and such investments may be sold at such 30081
times as the issuing authority determines or authorizes. 30082

(P) Provision may be made in the applicable bond proceedings 30083
for the establishment of separate accounts in the bond service 30084
fund and for the application of such accounts only to the 30085
specified bond service charges on obligations pertinent to such 30086
accounts and bond service fund and for other accounts therein 30087
within the general purposes of such fund. Unless otherwise 30088
provided in any applicable bond proceedings, moneys to the credit 30089
of or in the several special funds established pursuant to this 30090
section shall be disbursed on the order of the treasurer of state, 30091
provided that no such order is required for the payment from the 30092
bond service fund when due of bond service charges on obligations. 30093

(Q)(1) The issuing authority may pledge all, or such portion 30094
as the issuing authority determines, of the pledged receipts to 30095
the payment of bond service charges on obligations issued under 30096
this section, and for the establishment and maintenance of any 30097
reserves, as provided in the bond proceedings, and make other 30098
provisions therein with respect to pledged receipts as authorized 30099
by this chapter, which provisions are controlling notwithstanding 30100
any other provisions of law pertaining thereto. 30101

(2) An action taken under division (Q)(2) of this section 30102
does not limit the generality of division (Q)(1) of this section, 30103
and is subject to division (C) of this section and, if and to the 30104
extent otherwise applicable, Section 13 of Article VIII, Ohio 30105
Constitution. The bond proceedings may contain a covenant that, in 30106
the event the pledged receipts primarily pledged and required to 30107
be used for the payment of bond service charges on obligations 30108
issued under this section, and for the establishment and 30109
maintenance of any reserves, as provided in the bond proceedings, 30110
are insufficient to make any such payment in full when due, or to 30111
maintain any such reserve, the director of transportation shall so 30112
notify the governor, and shall determine to what extent, if any, 30113
the payment may be made or moneys may be restored to the reserves 30114
from lawfully available moneys previously appropriated for that 30115
purpose to the department of transportation. The covenant also may 30116
provide that if the payments are not made or the moneys are not 30117
immediately and fully restored to the reserves from such moneys, 30118
the director shall promptly submit to the governor and to the 30119
director of budget and management a written request for either or 30120
both of the following: 30121

(a) That the next biennial budget submitted by the governor 30122
to the general assembly include an amount to be appropriated from 30123
lawfully available moneys to the department for the purpose of and 30124
sufficient for the payment in full of bond service charges 30125
previously due and for the full replenishment of the reserves; 30126

(b) That the general assembly be requested to increase 30127
appropriations from lawfully available moneys for the department 30128
in the current biennium sufficient for the purpose of and for the 30129
payment in full of bond service charges previously due and to come 30130
due in the biennium and for the full replenishment of the 30131
reserves. 30132

The director of transportation shall include with such 30133

requests a recommendation that the payment of the bond service 30134
charges and the replenishment of the reserves be made in the 30135
interest of maximizing the benefits of the state infrastructure 30136
bank. Any such covenant shall not obligate or purport to obligate 30137
the state to pay the bond service charges on such bonds or notes 30138
or to deposit moneys in a reserve established for such payments 30139
other than from moneys that may be lawfully available and 30140
appropriated for that purpose during the then-current biennium. 30141

(R) There is hereby created the state infrastructure bank 30142
revenue bond service fund, which shall be in the custody of the 30143
treasurer of state but shall not be a part of the state treasury. 30144
All moneys received by or on account of the issuing authority or 30145
state agencies and required by the applicable bond proceedings, 30146
consistent with this section, to be deposited, transferred, or 30147
credited to the bond service fund, and all other moneys 30148
transferred or allocated to or received for the purposes of the 30149
fund, shall be deposited and credited to such fund and to any 30150
separate accounts therein, subject to applicable provisions of the 30151
bond proceedings, but without necessity for any act of 30152
appropriation. The state infrastructure bank revenue bond service 30153
fund is a trust fund and is hereby pledged to the payment of bond 30154
service charges to the extent provided in the applicable bond 30155
proceedings, and payment thereof from such fund shall be made or 30156
provided for by the treasurer of state in accordance with such 30157
bond proceedings without necessity for any act of appropriation. 30158

(S) The obligations issued pursuant to this section, the 30159
transfer thereof, and the income therefrom, including any profit 30160
made on the sale thereof, shall at all times be free from taxation 30161
within this state. 30162

Sec. 5533.051. In addition to the designations of the road 30163
known as United States route twenty-three in section 5533.05 of 30164

the Revised Code, the portion of that road running in a north and 30165
south direction, commencing at the boundary of Franklin and 30166
Delaware counties and extending to the municipal corporation of 30167
Delaware, and also the portion of that road located in Scioto 30168
county, from mile marker number three to mile marker number ten, 30169
shall be known as the "Branch Rickey Memorial Highway." 30170

The director of transportation may erect suitable markers 30171
along each designated portion of the highway indicating its name. 30172

Sec. 5703.052. (A) There is hereby created in the state 30173
treasury the tax refund fund, from which refunds shall be paid for 30174
taxes illegally or erroneously assessed or collected, or for any 30175
other reason overpaid, that are levied by Chapter 4301., 4305., 30176
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 30177
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 30178
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 30179
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 30180
wireless 9-1-1 charges illegally or erroneously assessed or 30181
collected, or for any other reason overpaid, that are levied by 30182
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also 30183
shall be paid from the fund. Refunds for amounts illegally or 30184
erroneously assessed or collected by the tax commissioner, or for 30185
any other reason overpaid, that are due under section 1509.50 of 30186
the Revised Code shall be paid from the fund. However, refunds for 30187
taxes levied under section 5739.101 of the Revised Code shall not 30188
be paid from the tax refund fund, but shall be paid as provided in 30189
section 5739.104 of the Revised Code. 30190

(B)(1) Upon certification by the tax commissioner to the 30191
treasurer of state of a tax refund, a wireless 9-1-1 charge 30192
refund, or another amount refunded, or by the superintendent of 30193
insurance of a domestic or foreign insurance tax refund, the 30194
treasurer of state shall place the amount certified to the credit 30195

of the fund. The certified amount transferred shall be derived 30196
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 30197
other amount from which the refund arose. 30198

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 30199
or other amount that is not levied by the state or that was 30200
illegally or erroneously distributed to a taxing jurisdiction, the 30201
tax commissioner shall recover the amount of that refund from the 30202
next distribution of that tax, fee, wireless 9-1-1 charge, or 30203
other amount that otherwise would be made to the taxing 30204
jurisdiction. If the amount to be recovered would exceed 30205
twenty-five per cent of the next distribution of that tax, fee, 30206
wireless 9-1-1 charge, or other amount, the commissioner may 30207
spread the recovery over more than one future distribution, taking 30208
into account the amount to be recovered and the amount of the 30209
anticipated future distributions. In no event may the commissioner 30210
spread the recovery over a period to exceed ~~twenty-four~~ thirty-six 30211
months. 30212

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 30213
of this section, no agent of the department of taxation, except in 30214
the agent's report to the department or when called on to testify 30215
in any court or proceeding, shall divulge any information acquired 30216
by the agent as to the transactions, property, or business of any 30217
person while acting or claiming to act under orders of the 30218
department. Whoever violates this provision shall thereafter be 30219
disqualified from acting as an officer or employee or in any other 30220
capacity under appointment or employment of the department. 30221

(B)(1) For purposes of an audit pursuant to section 117.15 of 30223
the Revised Code, or an audit of the department pursuant to 30224
Chapter 117. of the Revised Code, or an audit, pursuant to that 30225
chapter, the objective of which is to express an opinion on a 30226

financial report or statement prepared or issued pursuant to 30227
division (A)(7) or (9) of section 126.21 of the Revised Code, the 30228
officers and employees of the auditor of state charged with 30229
conducting the audit shall have access to and the right to examine 30230
any state tax returns and state tax return information in the 30231
possession of the department to the extent that the access and 30232
examination are necessary for purposes of the audit. Any 30233
information acquired as the result of that access and examination 30234
shall not be divulged for any purpose other than as required for 30235
the audit or unless the officers and employees are required to 30236
testify in a court or proceeding under compulsion of legal 30237
process. Whoever violates this provision shall thereafter be 30238
disqualified from acting as an officer or employee or in any other 30239
capacity under appointment or employment of the auditor of state. 30240

(2) For purposes of an internal audit pursuant to section 30241
126.45 of the Revised Code, the officers and employees of the 30242
office of internal audit in the office of budget and management 30243
charged with directing the internal audit shall have access to and 30244
the right to examine any state tax returns and state tax return 30245
information in the possession of the department to the extent that 30246
the access and examination are necessary for purposes of the 30247
internal audit. Any information acquired as the result of that 30248
access and examination shall not be divulged for any purpose other 30249
than as required for the internal audit or unless the officers and 30250
employees are required to testify in a court or proceeding under 30251
compulsion of legal process. Whoever violates this provision shall 30252
thereafter be disqualified from acting as an officer or employee 30253
or in any other capacity under appointment or employment of the 30254
office of internal audit. 30255

(3) As provided by section 6103(d)(2) of the Internal Revenue 30256
Code, any federal tax returns or federal tax information that the 30257
department has acquired from the internal revenue service, through 30258

federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the

Revised Code;	30289
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	30290 30291 30292 30293 30294 30295 30296 30297
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	30298 30299
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	30300 30301 30302 30303 30304
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	30305 30306
(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;	30307 30308 30309 30310 30311
(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;	30312 30313 30314 30315 30316 30317
(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation	30318 30319

information in the possession of the department of taxation solely 30320
for the purpose of identifying employers that misclassify 30321
employees as independent contractors or that fail to properly 30322
report and pay employer tax liabilities. The department of 30323
taxation shall disclose only such information that is necessary to 30324
verify employer compliance with law administered by those 30325
agencies. 30326

(14) Disclosing to the Ohio casino control commission 30327
information in the possession of the department of taxation that 30328
is necessary to verify a casino operator's compliance with section 30329
5747.063 or 5753.02 of the Revised Code and sections related 30330
thereto; 30331

(15) Disclosing to the state lottery commission information 30332
in the possession of the department of taxation that is necessary 30333
to verify a lottery sales agent's compliance with section 5747.064 30334
of the Revised Code; 30335

(16) Providing to a board of county commissioners any sales 30336
or use tax return or audit information necessary to verify 30337
vendors' compliance with any taxes levied by the county under 30338
Chapter 5739. or 5741. of the Revised Code. 30339

Sec. 5705.10. (A) All revenue derived from the general levy 30340
for current expense within the ten-mill limitation, from any 30341
general levy for current expense authorized by vote in excess of 30342
the ten-mill limitation, and from sources other than the general 30343
property tax, unless its use for a particular purpose is 30344
prescribed by law, shall be paid into the general fund. 30345

(B) All revenue derived from general or special levies for 30346
debt charges, whether within or in excess of the ten-mill 30347
limitation, which is levied for the debt charges on serial bonds, 30348
notes, or certificates of indebtedness having a life less than 30349
five years, shall be paid into the bond retirement fund; and all 30350

such revenue which is levied for the debt charges on all other 30351
bonds, notes, or certificates of indebtedness shall be paid into 30352
the sinking fund. 30353

(C) All revenue derived from a special levy shall be credited 30354
to a special fund for the purpose for which the levy was made. 30355

(D) Except as otherwise provided by resolution adopted 30356
pursuant to section 3315.01 of the Revised Code, all revenue 30357
derived from a source other than the general property tax and 30358
which the law prescribes shall be used for a particular purpose, 30359
shall be paid into a special fund for such purpose. Except as 30360
otherwise provided by resolution adopted pursuant to section 30361
3315.01 of the Revised Code or as otherwise provided by section 30362
3315.40 of the Revised Code, all revenue derived from a source 30363
other than the general property tax, for which the law does not 30364
prescribe use for a particular purpose, including interest earned 30365
on the principal of any special fund, regardless of the source or 30366
purpose of the principal, shall be paid into the general fund. 30367

(E) All proceeds from the sale of public obligations or 30368
fractionalized interests in public obligations as defined in 30369
section 133.01 of the Revised Code, except premium and accrued 30370
interest, shall be paid into a special fund for the purpose of 30371
such issue, and any interest and other income earned on money in 30372
such special fund may be used for the purposes for which the 30373
indebtedness was authorized or may be credited to the general fund 30374
or other fund or account as the taxing authority authorizes and 30375
used for the purposes of that fund or account. The premium and 30376
accrued interest received from such sale shall be paid into the 30377
sinking fund or the bond retirement fund of the subdivision. 30378

(F) Except as provided in divisions (G) and (H) of this 30379
section, if a permanent improvement of the subdivision is sold, 30380
the amount received from the sale shall be paid into the sinking 30381
fund, the bond retirement fund, or a special fund for the 30382

construction or acquisition of permanent improvements; provided 30383
that the proceeds from the sale of a public utility shall be paid 30384
into the sinking fund or bond retirement fund to the extent 30385
necessary to provide for the retirement of the outstanding 30386
indebtedness incurred in the construction or acquisition of such 30387
utility. Proceeds from the sale of property other than a permanent 30388
improvement shall be paid into the fund from which such property 30389
was acquired or is maintained or, if there is no such fund, into 30390
the general fund. 30391

(G) A township that has a population greater than fifteen 30392
thousand according to the most recent federal decennial census and 30393
that has declared one or more improvements in the township to be a 30394
public purpose under section 5709.73 of the Revised Code may pay 30395
proceeds from the sale of a permanent improvement of the township 30396
into its general fund if both of the following conditions are 30397
satisfied: 30398

(1) The township fiscal officer determines that all 30399
foreseeable public infrastructure improvements, as defined in 30400
section 5709.40 of the Revised Code, to be made in the township in 30401
the ten years immediately following the date the permanent 30402
improvement is sold will have been financed through resolutions 30403
adopted under section 5709.73 of the Revised Code on or before the 30404
date of the sale. The fiscal officer shall provide written 30405
certification of this determination for the township's records. 30406

(2) The permanent improvement being sold was financed 30407
entirely from moneys in the township's general fund. 30408

(H) If a board of education of a school district disposes of 30409
real property under section 3313.41 of the Revised Code, the 30410
proceeds received on or after September 29, 2013, from the sale 30411
shall be used to retire for either of the following purposes: 30412

(1) The retirement of any debt that was incurred by the 30413

district with respect to that real property. Proceeds in excess of 30414
the funds necessary to retire that debt may be paid into the 30415
school district's capital and maintenance fund and used only to 30416
pay for the costs of nonoperating capital expenses related to 30417
technology infrastructure and equipment to be used for instruction 30418
and assessment. 30419

(2) Payment into a special fund for the construction or 30420
acquisition of permanent improvements. 30421

(I) Money paid into any fund shall be used only for the 30422
purposes for which such fund is established. 30423

Sec. 5709.12. (A) As used in this section, "independent 30424
living facilities" means any residential housing facilities and 30425
related property that are not a nursing home, residential care 30426
facility, or residential facility as defined in division (A) of 30427
section 5701.13 of the Revised Code. 30428

(B) Lands, houses, and other buildings belonging to a county, 30429
township, or municipal corporation and used exclusively for the 30430
accommodation or support of the poor, or leased to the state or 30431
any political subdivision for public purposes shall be exempt from 30432
taxation. Real and tangible personal property belonging to 30433
institutions that is used exclusively for charitable purposes 30434
shall be exempt from taxation, including real property belonging 30435
to an institution that is a nonprofit corporation that receives a 30436
grant under the Thomas Alva Edison grant program authorized by 30437
division (C) of section 122.33 of the Revised Code at any time 30438
during the tax year and being held for leasing or resale to 30439
others. If, at any time during a tax year for which such property 30440
is exempted from taxation, the corporation ceases to qualify for 30441
such a grant, the director of development shall notify the tax 30442
commissioner, and the tax commissioner shall cause the property to 30443
be restored to the tax list beginning with the following tax year. 30444

All property owned and used by a nonprofit organization 30445
exclusively for a home for the aged, as defined in section 5701.13 30446
of the Revised Code, also shall be exempt from taxation. 30447

(C)(1) If a home for the aged described in division (B)(1) of 30448
section 5701.13 of the Revised Code is operated in conjunction 30449
with or at the same site as independent living facilities, the 30450
exemption granted in division (B) of this section shall include 30451
kitchen, dining room, clinic, entry ways, maintenance and storage 30452
areas, and land necessary for access commonly used by both 30453
residents of the home for the aged and residents of the 30454
independent living facilities. Other facilities commonly used by 30455
both residents of the home for the aged and residents of 30456
independent living units shall be exempt from taxation only if the 30457
other facilities are used primarily by the residents of the home 30458
for the aged. Vacant land currently unused by the home, and 30459
independent living facilities and the lands connected with them 30460
are not exempt from taxation. Except as provided in division 30461
(A)(1) of section 5709.121 of the Revised Code, property of a home 30462
leased for nonresidential purposes is not exempt from taxation. 30463

(2) Independent living facilities are exempt from taxation if 30464
they are operated in conjunction with or at the same site as a 30465
home for the aged described in division (B)(2) of section 5701.13 30466
of the Revised Code; operated by a corporation, association, or 30467
trust described in division (B)(1)(b) of that section; operated 30468
exclusively for the benefit of members of the corporation, 30469
association, or trust who are retired, aged, or infirm; and 30470
provided to those members without charge in consideration of their 30471
service, without compensation, to a charitable, religious, 30472
fraternal, or educational institution. For the purposes of 30473
division (C)(2) of this section, "compensation" does not include 30474
furnishing room and board, clothing, health care, or other 30475
necessities, or stipends or other de minimis payments to defray 30476

the cost thereof. 30477

(D)(1) A private corporation established under federal law, 30478
as defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, 30479
as amended, the objects of which include encouraging the 30480
advancement of science generally, or of a particular branch of 30481
science, the promotion of scientific research, the improvement of 30482
the qualifications and usefulness of scientists, or the increase 30483
and diffusion of scientific knowledge is conclusively presumed to 30484
be a charitable or educational institution. A private corporation 30485
established as a nonprofit corporation under the laws of a state, 30486
that is exempt from federal income taxation under section 30487
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 30488
U.S.C.A. 1, as amended, and has as its principal purpose one or 30489
more of the foregoing objects, also is conclusively presumed to be 30490
a charitable or educational institution. 30491

The fact that an organization described in this division 30492
operates in a manner that results in an excess of revenues over 30493
expenses shall not be used to deny the exemption granted by this 30494
section, provided such excess is used, or is held for use, for 30495
exempt purposes or to establish a reserve against future 30496
contingencies; and, provided further, that such excess may not be 30497
distributed to individual persons or to entities that would not be 30498
entitled to the tax exemptions provided by this chapter. Nor shall 30499
the fact that any scientific information diffused by the 30500
organization is of particular interest or benefit to any of its 30501
individual members be used to deny the exemption granted by this 30502
section, provided that such scientific information is available to 30503
the public for purchase or otherwise. 30504

(2) Division (D)(2) of this section does not apply to real 30505
property exempted from taxation under this section and division 30506
(A)(3) of section 5709.121 of the Revised Code and belonging to a 30507
nonprofit corporation described in division (D)(1) of this section 30508

that has received a grant under the Thomas Alva Edison grant 30509
program authorized by division (C) of section 122.33 of the 30510
Revised Code during any of the tax years the property was exempted 30511
from taxation. 30512

When a private corporation described in division (D)(1) of 30513
this section sells all or any portion of a tract, lot, or parcel 30514
of real estate that has been exempt from taxation under this 30515
section and section 5709.121 of the Revised Code, the portion sold 30516
shall be restored to the tax list for the year following the year 30517
of the sale and, except in connection with a sale and transfer of 30518
such a tract, lot, or parcel to a county land reutilization 30519
corporation organized under Chapter 1724. of the Revised Code, a 30520
charge shall be levied against the sold property in an amount 30521
equal to the tax savings on such property during the four tax 30522
years preceding the year the property is placed on the tax list. 30523
The tax savings equals the amount of the additional taxes that 30524
would have been levied if such property had not been exempt from 30525
taxation. 30526

The charge constitutes a lien of the state upon such property 30527
as of the first day of January of the tax year in which the charge 30528
is levied and continues until discharged as provided by law. The 30529
charge may also be remitted for all or any portion of such 30530
property that the tax commissioner determines is entitled to 30531
exemption from real property taxation for the year such property 30532
is restored to the tax list under any provision of the Revised 30533
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 30534
5709.41, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 5709.84, 30535
upon an application for exemption covering the year such property 30536
is restored to the tax list filed under section 5715.27 of the 30537
Revised Code. 30538

(E) Real property held by an organization organized and 30539
operated exclusively for charitable purposes as described under 30540

section 501(c)(3) of the Internal Revenue Code and exempt from 30541
federal taxation under section 501(a) of the Internal Revenue 30542
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 30543
of constructing or rehabilitating residences for eventual transfer 30544
to qualified low-income families through sale, lease, or land 30545
installment contract, shall be exempt from taxation. 30546

The exemption shall commence on the day title to the property 30547
is transferred to the organization and shall continue to the end 30548
of the tax year in which the organization transfers title to the 30549
property to a qualified low-income family. In no case shall the 30550
exemption extend beyond the second succeeding tax year following 30551
the year in which the title was transferred to the organization. 30552
If the title is transferred to the organization and from the 30553
organization to a qualified low-income family in the same tax 30554
year, the exemption shall continue to the end of that tax year. 30555
The proportionate amount of taxes that are a lien but not yet 30556
determined, assessed, and levied for the tax year in which title 30557
is transferred to the organization shall be remitted by the county 30558
auditor for each day of the year that title is held by the 30559
organization. 30560

Upon transferring the title to another person, the 30561
organization shall file with the county auditor an affidavit 30562
affirming that the title was transferred to a qualified low-income 30563
family or that the title was not transferred to a qualified 30564
low-income family, as the case may be; if the title was 30565
transferred to a qualified low-income family, the affidavit shall 30566
identify the transferee by name. If the organization transfers 30567
title to the property to anyone other than a qualified low-income 30568
family, the exemption, if it has not previously expired, shall 30569
terminate, and the property shall be restored to the tax list for 30570
the year following the year of the transfer and a charge shall be 30571
levied against the property in an amount equal to the amount of 30572

additional taxes that would have been levied if such property had 30573
not been exempt from taxation. The charge constitutes a lien of 30574
the state upon such property as of the first day of January of the 30575
tax year in which the charge is levied and continues until 30576
discharged as provided by law. 30577

The application for exemption shall be filed as otherwise 30578
required under section 5715.27 of the Revised Code, except that 30579
the organization holding the property shall file with its 30580
application documentation substantiating its status as an 30581
organization organized and operated exclusively for charitable 30582
purposes under section 501(c)(3) of the Internal Revenue Code and 30583
its qualification for exemption from federal taxation under 30584
section 501(a) of the Internal Revenue Code, and affirming its 30585
intention to construct or rehabilitate the property for the 30586
eventual transfer to qualified low-income families. 30587

As used in this division, "qualified low-income family" means 30588
a family whose income does not exceed two hundred per cent of the 30589
official federal poverty guidelines as revised annually in 30590
accordance with section 673(2) of the "Omnibus Budget 30591
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 30592
amended, for a family size equal to the size of the family whose 30593
income is being determined. 30594

(F) Real property held by a county land reutilization 30595
corporation organized under Chapter 1724. of the Revised Code 30596
shall be exempt from taxation. Notwithstanding section 5715.27 of 30597
the Revised Code, a county land reutilization corporation is not 30598
required to apply to any county or state agency in order to 30599
qualify for the exemption. 30600

The exemption shall commence on the day title to the property 30601
is transferred to the corporation and shall continue to the end of 30602
the tax year in which the instrument transferring title from the 30603
corporation to another owner is recorded, if the use to which the 30604

other owner puts the property does not qualify for an exemption 30605
under this section or any other section of the Revised Code. If 30606
the title to the property is transferred to the corporation and 30607
from the corporation in the same tax year, the exemption shall 30608
continue to the end of that tax year. The proportionate amount of 30609
taxes that are a lien but not yet determined, assessed, and levied 30610
for the tax year in which title is transferred to the corporation 30611
shall be remitted by the county auditor for each day of the year 30612
that title is held by the corporation. 30613

Upon transferring the title to another person, the 30614
corporation shall file with the county auditor an affidavit 30615
affirming that the title was transferred to such other person and 30616
shall identify the transferee by name. If the corporation 30617
transfers title to the property to anyone that does not qualify or 30618
the use to which the property is put does not qualify the property 30619
for an exemption under this section or any other section of the 30620
Revised Code, the exemption, if it has not previously expired, 30621
shall terminate, and the property shall be restored to the tax 30622
list for the year following the year of the transfer. A charge 30623
shall be levied against the property in an amount equal to the 30624
amount of additional taxes that would have been levied if such 30625
property had not been exempt from taxation. The charge constitutes 30626
a lien of the state upon such property as of the first day of 30627
January of the tax year in which the charge is levied and 30628
continues until discharged as provided by law. 30629

In lieu of the application for exemption otherwise required 30630
to be filed as required under section 5715.27 of the Revised Code, 30631
a count land reutilization corporation holding the property shall, 30632
upon the request of any county or state agency, submit its 30633
articles of incorporation substantiating its status as a county 30634
land reutilization corporation. 30635

(G) Real property that is owned by an organization described 30636

under section 501(c)(3) of the Internal Revenue Code and exempt 30637
from federal income taxation under section 501(a) of the Internal 30638
Revenue Code and that is used by that organization exclusively for 30639
receiving, processing, or distributing human blood, tissues, eyes, 30640
or organs or for research and development thereof shall be exempt 30641
from taxation. 30642

Sec. 5709.17. The following property shall be exempted from 30643
taxation: 30644

(A) Real estate held or occupied by an association or 30645
corporation, organized or incorporated under the laws of this 30646
state relative to soldiers' memorial associations, monumental 30647
building associations, or cemetery associations or corporations, 30648
which in the opinion of the trustees, directors, or managers 30649
thereof is necessary and proper to carry out the object intended 30650
for such association or corporation; 30651

(B) Real estate and tangible personal property held or 30652
occupied by a veterans' organization that qualifies for exemption 30653
from taxation under section 501(c)(19) or 501(c)(23) of the 30654
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 30655
amended, and is incorporated under the laws of this state or the 30656
United States, except real estate held by such an organization for 30657
the production of rental income in excess of thirty-six thousand 30658
dollars in a tax year, before accounting for any cost or expense 30659
incurred in the production of such income. For the purposes of 30660
this division, rental income includes only income arising directly 30661
from renting the real estate to others for consideration. 30662

(C) Tangible personal property held by a corporation 30663
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 30664
section 501(c)(3) of the Internal Revenue Code, and exempt from 30665
taxation under section 501(a) of the Internal Revenue Code shall 30666
be exempt from taxation if it is property obtained as described in 30667

112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 30668

(D) Real estate held or occupied by a fraternal organization 30669
and used primarily for meetings of and the administration of the 30670
fraternal organization, except real estate held by such an 30671
organization for the production of rental income in excess of 30672
thirty-six thousand dollars in a tax year, before accounting for 30673
any cost or expense incurred in the production of such income. As 30674
used in this division, "rental income" has the same meaning as in 30675
division (B) of this section, and "fraternal organization" means a 30676
domestic fraternal society, order, or association operating under 30677
the lodge, council, or grange system that qualifies for exemption 30678
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 30679
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 30680
as amended; that provides financial support for charitable 30681
purposes, as defined in division (B)(12) of section 5739.02 of the 30682
Revised Code; and that has been operating in this state with a 30683
state governing body for at least ~~one hundred~~ eighty-five years. 30684

Sec. 5709.40. (A) As used in this section: 30685

(1) "Blighted area" and "impacted city" have the same 30686
meanings as in section 1728.01 of the Revised Code. 30687

(2) "Business day" means a day of the week excluding 30688
Saturday, Sunday, and a legal holiday as defined under section 30689
1.14 of the Revised Code. 30690

(3) "Housing renovation" means a project carried out for 30691
residential purposes. 30692

(4) "Improvement" means the increase in the assessed value of 30693
any real property that would first appear on the tax list and 30694
duplicate of real and public utility property after the effective 30695
date of an ordinance adopted under this section were it not for 30696
the exemption granted by that ordinance. 30697

(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:

(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;

(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.

(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.

(d) The district is a blighted area.

(e) The district is in a situational distress area as designated by the director of development services under division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political subdivision, the public infrastructure serving the district is inadequate to meet the development needs of the district as evidenced by a written economic development plan or urban renewal plan for the district that has been adopted by the legislative authority of the subdivision.

(g) The district is comprised entirely of unimproved land that is located in a distressed area as defined in section 122.23 of the Revised Code.

(6) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities.

(7) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; and the enhancement of public waterways through improvements that allow for greater public access.

(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. Except with the approval under division (D) of this section of the board of education of each

city, local, or exempted village school district within which the 30761
improvements are located, not more than seventy-five per cent of 30762
an improvement thus declared to be a public purpose may be 30763
exempted from real property taxation for a period of not more than 30764
ten years. The ordinance shall specify the percentage of the 30765
improvement to be exempted from taxation and the life of the 30766
exemption. 30767

An ordinance adopted or amended under this division shall 30768
designate the specific public infrastructure improvements made, to 30769
be made, or in the process of being made by the municipal 30770
corporation that directly benefit, or that once made will directly 30771
benefit, the parcels for which improvements are declared to be a 30772
public purpose. The service payments provided for in section 30773
5709.42 of the Revised Code shall be used to finance the public 30774
infrastructure improvements designated in the ordinance, for the 30775
purpose described in division (D)(1) of this section or as 30776
provided in section 5709.43 of the Revised Code. 30777

(C)(1) The legislative authority of a municipal corporation 30778
may adopt an ordinance creating an incentive district and 30779
declaring improvements to parcels within the district to be a 30780
public purpose and, except as provided in division (F) of this 30781
section, exempt from taxation as provided in this section, but no 30782
legislative authority of a municipal corporation that has a 30783
population that exceeds twenty-five thousand, as shown by the most 30784
recent federal decennial census, shall adopt an ordinance that 30785
creates an incentive district if the sum of the taxable value of 30786
real property in the proposed district for the preceding tax year 30787
and the taxable value of all real property in the municipal 30788
corporation that would have been taxable in the preceding year 30789
were it not for the fact that the property was in an existing 30790
incentive district and therefore exempt from taxation exceeds 30791
twenty-five per cent of the taxable value of real property in the 30792

municipal corporation for the preceding tax year. The ordinance 30793
shall delineate the boundary of the district and specifically 30794
identify each parcel within the district. A district may not 30795
include any parcel that is or has been exempted from taxation 30796
under division (B) of this section or that is or has been within 30797
another district created under this division. An ordinance may 30798
create more than one such district, and more than one ordinance 30799
may be adopted under division (C)(1) of this section. 30800

(2) Not later than thirty days prior to adopting an ordinance 30801
under division (C)(1) of this section, if the municipal 30802
corporation intends to apply for exemptions from taxation under 30803
section 5709.911 of the Revised Code on behalf of owners of real 30804
property located within the proposed incentive district, the 30805
legislative authority of a municipal corporation shall conduct a 30806
public hearing on the proposed ordinance. Not later than thirty 30807
days prior to the public hearing, the legislative authority shall 30808
give notice of the public hearing and the proposed ordinance by 30809
first class mail to every real property owner whose property is 30810
located within the boundaries of the proposed incentive district 30811
that is the subject of the proposed ordinance. 30812

(3)(a) An ordinance adopted under division (C)(1) of this 30813
section shall specify the life of the incentive district and the 30814
percentage of the improvements to be exempted, shall designate the 30815
public infrastructure improvements made, to be made, or in the 30816
process of being made, that benefit or serve, or, once made, will 30817
benefit or serve parcels in the district. The ordinance also shall 30818
identify one or more specific projects being, or to be, undertaken 30819
in the district that place additional demand on the public 30820
infrastructure improvements designated in the ordinance. The 30821
project identified may, but need not be, the project under 30822
division (C)(3)(b) of this section that places real property in 30823
use for commercial or industrial purposes. Except as otherwise 30824

permitted under that division, the service payments provided for 30825
in section 5709.42 of the Revised Code shall be used to finance 30826
the designated public infrastructure improvements, for the purpose 30827
described in division (D)(1) or (E) of this section, or as 30828
provided in section 5709.43 of the Revised Code. 30829

An ordinance adopted under division (C)(1) of this section on 30830
or after March 30, 2006, shall not designate police or fire 30831
equipment as public infrastructure improvements, and no service 30832
payment provided for in section 5709.42 of the Revised Code and 30833
received by the municipal corporation under the ordinance shall be 30834
used for police or fire equipment. 30835

(b) An ordinance adopted under division (C)(1) of this 30836
section may authorize the use of service payments provided for in 30837
section 5709.42 of the Revised Code for the purpose of housing 30838
renovations within the incentive district, provided that the 30839
ordinance also designates public infrastructure improvements that 30840
benefit or serve the district, and that a project within the 30841
district places real property in use for commercial or industrial 30842
purposes. Service payments may be used to finance or support 30843
loans, deferred loans, and grants to persons for the purpose of 30844
housing renovations within the district. The ordinance shall 30845
designate the parcels within the district that are eligible for 30846
housing renovation. The ordinance shall state separately the 30847
amounts or the percentages of the expected aggregate service 30848
payments that are designated for each public infrastructure 30849
improvement and for the general purpose of housing renovations. 30850

(4) Except with the approval of the board of education of 30851
each city, local, or exempted village school district within the 30852
territory of which the incentive district is or will be located, 30853
and subject to division (E) of this section, the life of an 30854
incentive district shall not exceed ten years, and the percentage 30855
of improvements to be exempted shall not exceed seventy-five per 30856

cent. With approval of the board of education, the life of a 30857
district may be not more than thirty years, and the percentage of 30858
improvements to be exempted may be not more than one hundred per 30859
cent. The approval of a board of education shall be obtained in 30860
the manner provided in division (D) of this section. 30861

(D)(1) If the ordinance declaring improvements to a parcel to 30862
be a public purpose or creating an incentive district specifies 30863
that payments in lieu of taxes provided for in section 5709.42 of 30864
the Revised Code shall be paid to the city, local, or exempted 30865
village, and joint vocational school district in which the parcel 30866
or incentive district is located in the amount of the taxes that 30867
would have been payable to the school district if the improvements 30868
had not been exempted from taxation, the percentage of the 30869
improvement that may be exempted from taxation may exceed 30870
seventy-five per cent, and the exemption may be granted for up to 30871
thirty years, without the approval of the board of education as 30872
otherwise required under division (D)(2) of this section. 30873

(2) Improvements with respect to a parcel may be exempted 30874
from taxation under division (B) of this section, and improvements 30875
to parcels within an incentive district may be exempted from 30876
taxation under division (C) of this section, for up to ten years 30877
or, with the approval under this paragraph of the board of 30878
education of the city, local, or exempted village school district 30879
within which the parcel or district is located, for up to thirty 30880
years. The percentage of the improvement exempted from taxation 30881
may, with such approval, exceed seventy-five per cent, but shall 30882
not exceed one hundred per cent. Not later than forty-five 30883
business days prior to adopting an ordinance under this section 30884
declaring improvements to be a public purpose that is subject to 30885
approval by a board of education under this division, the 30886
legislative authority shall deliver to the board of education a 30887
notice stating its intent to adopt an ordinance making that 30888

declaration. The notice regarding improvements with respect to a 30889
parcel under division (B) of this section shall identify the 30890
parcels for which improvements are to be exempted from taxation, 30891
provide an estimate of the true value in money of the 30892
improvements, specify the period for which the improvements would 30893
be exempted from taxation and the percentage of the improvement 30894
that would be exempted, and indicate the date on which the 30895
legislative authority intends to adopt the ordinance. The notice 30896
regarding improvements to parcels within an incentive district 30897
under division (C) of this section shall delineate the boundaries 30898
of the district, specifically identify each parcel within the 30899
district, identify each anticipated improvement in the district, 30900
provide an estimate of the true value in money of each such 30901
improvement, specify the life of the district and the percentage 30902
of improvements that would be exempted, and indicate the date on 30903
which the legislative authority intends to adopt the ordinance. 30904
The board of education, by resolution adopted by a majority of the 30905
board, may approve the exemption for the period or for the 30906
exemption percentage specified in the notice; may disapprove the 30907
exemption for the number of years in excess of ten, may disapprove 30908
the exemption for the percentage of the improvement to be exempted 30909
in excess of seventy-five per cent, or both; or may approve the 30910
exemption on the condition that the legislative authority and the 30911
board negotiate an agreement providing for compensation to the 30912
school district equal in value to a percentage of the amount of 30913
taxes exempted in the eleventh and subsequent years of the 30914
exemption period or, in the case of exemption percentages in 30915
excess of seventy-five per cent, compensation equal in value to a 30916
percentage of the taxes that would be payable on the portion of 30917
the improvement in excess of seventy-five per cent were that 30918
portion to be subject to taxation, or other mutually agreeable 30919
compensation. If an agreement is negotiated between the 30920
legislative authority and the board to compensate the school 30921

district for all or part of the taxes exempted, including 30922
agreements for payments in lieu of taxes under section 5709.42 of 30923
the Revised Code, the legislative authority shall compensate the 30924
joint vocational school district within which the parcel or 30925
district is located at the same rate and under the same terms 30926
received by the city, local, or exempted village school district. 30927

(3) The board of education shall certify its resolution to 30928
the legislative authority not later than fourteen days prior to 30929
the date the legislative authority intends to adopt the ordinance 30930
as indicated in the notice. If the board of education and the 30931
legislative authority negotiate a mutually acceptable compensation 30932
agreement, the ordinance may declare the improvements a public 30933
purpose for the number of years specified in the ordinance or, in 30934
the case of exemption percentages in excess of seventy-five per 30935
cent, for the exemption percentage specified in the ordinance. In 30936
either case, if the board and the legislative authority fail to 30937
negotiate a mutually acceptable compensation agreement, the 30938
ordinance may declare the improvements a public purpose for not 30939
more than ten years, and shall not exempt more than seventy-five 30940
per cent of the improvements from taxation. If the board fails to 30941
certify a resolution to the legislative authority within the time 30942
prescribed by this division, the legislative authority thereupon 30943
may adopt the ordinance and may declare the improvements a public 30944
purpose for up to thirty years, or, in the case of exemption 30945
percentages proposed in excess of seventy-five per cent, for the 30946
exemption percentage specified in the ordinance. The legislative 30947
authority may adopt the ordinance at any time after the board of 30948
education certifies its resolution approving the exemption to the 30949
legislative authority, or, if the board approves the exemption on 30950
the condition that a mutually acceptable compensation agreement be 30951
negotiated, at any time after the compensation agreement is agreed 30952
to by the board and the legislative authority. 30953

(4) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of exemptions by the board is not required under division (D) of this section. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under division (D) of this section fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(5) If the legislative authority is not required by division (D) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the 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 30986
proposed ordinance, identify the parcels for which improvements 30987
are to be exempted from taxation, provide an estimate of the true 30988
value in money of the improvements, specify the period of time for 30989
which the improvements would be exempted from taxation, specify 30990
the percentage of the improvements that would be exempted from 30991
taxation, and indicate the date on which the legislative authority 30992
intends to adopt the ordinance. 30993

(2) The board of county commissioners, by resolution adopted 30994
by a majority of the board, may object to the exemption for the 30995
number of years in excess of ten, may object to the exemption for 30996
the percentage of the improvement to be exempted in excess of 30997
seventy-five per cent, or both. If the board of county 30998
commissioners objects, the board may negotiate a mutually 30999
acceptable compensation agreement with the legislative authority. 31000
In no case shall the compensation provided to the board exceed the 31001
property taxes forgone due to the exemption. If the board of 31002
county commissioners objects, and the board and legislative 31003
authority fail to negotiate a mutually acceptable compensation 31004
agreement, the ordinance adopted under division (C)(1) of this 31005
section shall provide to the board compensation in the eleventh 31006
and subsequent years of the exemption period equal in value to not 31007
more than fifty per cent of the taxes that would be payable to the 31008
county or, if the board's objection includes an objection to an 31009
exemption percentage in excess of seventy-five per cent, 31010
compensation equal in value to not more than fifty per cent of the 31011
taxes that would be payable to the county, on the portion of the 31012
improvement in excess of seventy-five per cent, were that portion 31013
to be subject to taxation. The board of county commissioners shall 31014
certify its resolution to the legislative authority not later than 31015
thirty days after receipt of the notice. 31016

(3) If the board of county commissioners does not object or 31017

fails to certify its resolution objecting to an exemption within 31018
thirty days after receipt of the notice, the legislative authority 31019
may adopt the ordinance, and no compensation shall be provided to 31020
the board of county commissioners. If the board timely certifies 31021
its resolution objecting to the ordinance, the legislative 31022
authority may adopt the ordinance at any time after a mutually 31023
acceptable compensation agreement is agreed to by the board and 31024
the legislative authority, or, if no compensation agreement is 31025
negotiated, at any time after the legislative authority agrees in 31026
the proposed ordinance to provide compensation to the board of 31027
fifty per cent of the taxes that would be payable to the county in 31028
the eleventh and subsequent years of the exemption period or on 31029
the portion of the improvement in excess of seventy-five per cent, 31030
were that portion to be subject to taxation. 31031

(F) Service payments in lieu of taxes that are attributable 31032
to any amount by which the effective tax rate of either a renewal 31033
levy with an increase or a replacement levy exceeds the effective 31034
tax rate of the levy renewed or replaced, or that are attributable 31035
to an additional levy, for a levy authorized by the voters for any 31036
of the following purposes on or after January 1, 2006, and which 31037
are provided pursuant to an ordinance creating an incentive 31038
district under division (C)(1) of this section that is adopted on 31039
or after January 1, 2006, shall be distributed to the appropriate 31040
taxing authority as required under division (C) of section 5709.42 31041
of the Revised Code in an amount equal to the amount of taxes from 31042
that additional levy or from the increase in the effective tax 31043
rate of such renewal or replacement levy that would have been 31044
payable to that taxing authority from the following levies were it 31045
not for the exemption authorized under division (C) of this 31046
section: 31047

(1) A tax levied under division (L) of section 5705.19 or 31048
section 5705.191 of the Revised Code for community mental 31049

retardation and developmental disabilities programs and services	31050
pursuant to Chapter 5126. of the Revised Code;	31051
(2) A tax levied under division (Y) of section 5705.19 of the	31052
Revised Code for providing or maintaining senior citizens services	31053
or facilities;	31054
(3) A tax levied under section 5705.22 of the Revised Code	31055
for county hospitals;	31056
(4) A tax levied by a joint-county district or by a county	31057
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	31058
for alcohol, drug addiction, and mental health services or	31059
facilities;	31060
(5) A tax levied under section 5705.23 of the Revised Code	31061
for library purposes;	31062
(6) A tax levied under section 5705.24 of the Revised Code	31063
for the support of children services and the placement and care of	31064
children;	31065
(7) A tax levied under division (Z) of section 5705.19 of the	31066
Revised Code for the provision and maintenance of zoological park	31067
services and facilities under section 307.76 of the Revised Code;	31068
(8) A tax levied under section 511.27 or division (H) of	31069
section 5705.19 of the Revised Code for the support of township	31070
park districts;	31071
(9) A tax levied under division (A), (F), or (H) of section	31072
5705.19 of the Revised Code for parks and recreational purposes of	31073
a joint recreation district organized pursuant to division (B) of	31074
section 755.14 of the Revised Code;	31075
(10) A tax levied under section 1545.20 or 1545.21 of the	31076
Revised Code for park district purposes;	31077
(11) A tax levied under section 5705.191 of the Revised Code	31078
for the purpose of making appropriations for public assistance;	31079

human or social services; public relief; public welfare; public 31080
health and hospitalization; and support of general hospitals; 31081

(12) A tax levied under section 3709.29 of the Revised Code 31082
for a general health district program. 31083

(G) An exemption from taxation granted under this section 31084
commences with the tax year specified in the ordinance so long as 31085
the year specified in the ordinance commences after the effective 31086
date of the ordinance. If the ordinance specifies a year 31087
commencing before the effective date of the resolution or 31088
specifies no year whatsoever, the exemption commences with the tax 31089
year in which an exempted improvement first appears on the tax 31090
list and duplicate of real and public utility property and that 31091
commences after the effective date of the ordinance. In lieu of 31092
stating a specific year, the ordinance may provide that the 31093
exemption commences in the tax year in which the value of an 31094
improvement exceeds a specified amount or in which the 31095
construction of one or more improvements is completed, provided 31096
that such tax year commences after the effective date of the 31097
ordinance. With respect to the exemption of improvements to 31098
parcels under division (B) of this section, the ordinance may 31099
allow for the exemption to commence in different tax years on a 31100
parcel-by-parcel basis, with a separate exemption term specified 31101
for each parcel. 31102

Except as otherwise provided in this division, the exemption 31103
ends on the date specified in the ordinance as the date the 31104
improvement ceases to be a public purpose or the incentive 31105
district expires, or ends on the date on which the public 31106
infrastructure improvements and housing renovations are paid in 31107
full from the municipal public improvement tax increment 31108
equivalent fund established under division (A) of section 5709.43 31109
of the Revised Code, whichever occurs first. The exemption of an 31110
improvement with respect to a parcel or within an incentive 31111

district may end on a later date, as specified in the ordinance, 31112
if the legislative authority and the board of education of the 31113
city, local, or exempted village school district within which the 31114
parcel or district is located have entered into a compensation 31115
agreement under section 5709.82 of the Revised Code with respect 31116
to the improvement, and the board of education has approved the 31117
term of the exemption under division (D)(2) of this section, but 31118
in no case shall the improvement be exempted from taxation for 31119
more than thirty years. Exemptions shall be claimed and allowed in 31120
the same manner as in the case of other real property exemptions. 31121
If an exemption status changes during a year, the procedure for 31122
the apportionment of the taxes for that year is the same as in the 31123
case of other changes in tax exemption status during the year. 31124

(H) Additional municipal financing of public infrastructure 31125
improvements and housing renovations may be provided by any 31126
methods that the municipal corporation may otherwise use for 31127
financing such improvements or renovations. If the municipal 31128
corporation issues bonds or notes to finance the public 31129
infrastructure improvements and housing renovations and pledges 31130
money from the municipal public improvement tax increment 31131
equivalent fund to pay the interest on and principal of the bonds 31132
or notes, the bonds or notes are not subject to Chapter 133. of 31133
the Revised Code. 31134

(I) The municipal corporation, not later than fifteen days 31135
after the adoption of an ordinance under this section, shall 31136
submit to the director of development services a copy of the 31137
ordinance. On or before the thirty-first day of March of each 31138
year, the municipal corporation shall submit a status report to 31139
the director of development services. The report shall indicate, 31140
in the manner prescribed by the director, the progress of the 31141
project during each year that an exemption remains in effect, 31142
including a summary of the receipts from service payments in lieu 31143

of taxes; expenditures of money from the funds created under 31144
section 5709.43 of the Revised Code; a description of the public 31145
infrastructure improvements and housing renovations financed with 31146
such expenditures; and a quantitative summary of changes in 31147
employment and private investment resulting from each project. 31148

(J) Nothing in this section shall be construed to prohibit a 31149
legislative authority from declaring to be a public purpose 31150
improvements with respect to more than one parcel. 31151

(K) If a parcel is located in a new community district in 31152
which the new community authority imposes a community development 31153
charge on the basis of rentals received from leases of real 31154
property as described in division (L)(2) of section 349.01 of the 31155
Revised Code, the parcel may not be exempted from taxation under 31156
this section. 31157

Sec. 5713.012. (A) For purposes of this section: 31158

(1) "Mass appraisal project" means any sexennial reappraisal, 31159
triennial update, or other revaluation of all real property or the 31160
valuation of newly constructed real property in accordance with 31161
section 5713.01 of the Revised Code. 31162

(2) "Qualified project manager" means a person who plans, 31163
manages, coordinates, and controls the execution of a mass 31164
appraisal project under the direction of the county auditor and 31165
who has all of the following qualifications: 31166

(a) Has passed a comprehensive final examination that 31167
corresponds to a course, approved by the superintendent of real 31168
estate and professional licensing, that consists of at least 31169
thirty hours of instruction, quizzes, and learning aids. The 31170
superintendent shall not approve a course under this division that 31171
does not address the following topics in both the instruction and 31172
the examination: 31173

(i) Concepts and principles of mass appraisal as they relate to the assessment of real property for the purposes of ad valorem taxation;	31174 31175 31176
(ii) Methods of data collection and data management relative to parcels of real property, including modern alternative data collection methods and currently utilized computer-assisted mass appraisal systems;	31177 31178 31179 31180
(iii) Assessment sales-ratio study including various measures of central tendency, the various measures of dispersion of data about the mean, median, and dollar-weighted mean, and the advantages and disadvantages of various analysis techniques;	31181 31182 31183 31184
(iv) Traditional approaches of property valuation, including the cost approach, the sales comparison approach, and the income approach, as they are implemented in a mass appraisal project;	31185 31186 31187
(v) Methods and systems for model building and model calibration as related to mass appraisal of real property;	31188 31189
(vi) Methods of production management and project analysis such as Gantt charts, program evaluation and review technique (PERT) charts, frequency distribution charts, line graphs, bar charts, and scatter diagrams, as they are utilized in the mass appraisal area.	31190 31191 31192 31193 31194
(b) Has completed at least seven hours of continuing education courses in mass appraisal during the two-year period immediately succeeding the year in which the person passed the examination required in division (A)(2)(a) of this section, and during each two-year period thereafter.	31195 31196 31197 31198 31199
(B)(1) The county auditor, in acting as the assessor of all real property in the auditor's county for taxation purposes in accordance with section 5713.01 of the Revised Code, shall involve at least one qualified project manager in each mass assessment <u>appraisal</u> project that originates more than two years after the	31200 31201 31202 31203 31204

effective date of the enactment of this section by H.B. 487 of the 129th general assembly, September 10, 2012.

(2) The tax commissioner, beginning two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly, September 10, 2012, shall not approve any contract entered into by the auditor under division (E) of section 5713.01 of the Revised Code, with a person to do all or any part of the work necessary to the performance of the auditor's duties as assessor unless that person designates an officer or employee of that person, with the appropriate credentials, to act as a qualified project manager.

(3) The tax commissioner, beginning two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly, September 10, 2012, shall not include any person that has not designated an officer or employee, with the appropriate credentials, to act as a qualified project manager on a list generated by the commissioner for either of the following purposes:

(a) To assist county auditors in selecting a person to do all or any part of the work necessary to the performance of the auditor's duties as assessor of all real property under section 5713.01 of the Revised Code;

(b) To assist the commissioner in the consideration of whether to approve or disapprove the auditor's application requesting authority to employ an appraisal firm or individual appraiser.

(C) The superintendent of real estate and professional licensing shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code necessary for the implementation of this section, including rules establishing both of the following:

(1) The form and manner by which persons may apply to the

<u>superintendent to offer a thirty-hour course or continuing</u>	31236
<u>education course as described in division (A)(2) of this section;</u>	31237
<u>(2) Standards to be used by the superintendent in approving a</u>	31238
<u>thirty-hour course or continuing education course described in</u>	31239
<u>division (A)(2) of this section.</u>	31240
Sec. 5727.111. The taxable property of each public utility,	31241
except a railroad company, and of each interexchange	31242
telecommunications company shall be assessed at the following	31243
percentages of true value:	31244
(A) In the case of a rural electric company, fifty per cent	31245
in the case of its taxable transmission and distribution property	31246
and its energy conversion equipment, and twenty-five per cent for	31247
all its other taxable property;	31248
(B) In the case of a telephone or telegraph company,	31249
twenty-five per cent for taxable property first subject to	31250
taxation in this state for tax year 1995 or thereafter for tax	31251
years before tax year 2007, and pursuant to division (H) of	31252
section 5711.22 of the Revised Code for tax year 2007 and	31253
thereafter, and the following for all other taxable property:	31254
(1) For tax years prior to 2005, eighty-eight per cent;	31255
(2) For tax year 2005, sixty-seven per cent;	31256
(3) For tax year 2006, forty-six per cent;	31257
(4) For tax year 2007 and thereafter, pursuant to division	31258
(H) of section 5711.22 of the Revised Code.	31259
(C) Twenty-five per cent in the case of a natural gas	31260
company.	31261
(D) Eighty-eight per cent in the case of a pipe-line,	31262
water works, or heating company;	31263
(E)(1) For tax year 2005, eighty-eight per cent in the case	31264

of the taxable transmission and distribution property of an	31265
electric company, and twenty-five per cent for all its other	31266
taxable property;	31267
(2) For tax year 2006 and each tax year thereafter, in the	31268
case of an electric company, eighty-five per cent in the case of	31269
its taxable transmission and distribution property and its energy	31270
conversion equipment, and twenty-four per cent for all its other	31271
taxable property.	31272
(F)(1) Twenty-five per cent in the case of an interexchange	31273
telecommunications company for tax years before tax year 2007;	31274
(2) Pursuant to division (H) of section 5711.22 of the	31275
Revised Code for tax year 2007 and thereafter.	31276
(G) Twenty-five per cent in the case of a water	31277
transportation company;	31278
(H) For tax year 2011 and each tax year thereafter in the	31279
case of an energy company, twenty-four per cent in the case of its	31280
taxable production equipment, and eighty-five per cent for all its	31281
other taxable property.	31282
<u>(I) In the case of a water-works company, twenty-five per</u>	31283
<u>cent for taxable property first subject to taxation in this state</u>	31284
<u>for tax year 2014 or thereafter, and eighty-eight per cent for all</u>	31285
<u>its other taxable property.</u>	31286
Sec. 5739.05. (A) The tax commissioner shall enforce and	31287
administer sections 5739.01 to 5739.31 of the Revised Code, which	31288
are hereby declared to be sections which the commissioner is	31289
required to administer within the meaning of sections 5703.17 to	31290
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The	31291
commissioner may adopt and promulgate, in accordance with sections	31292
119.01 to 119.13 of the Revised Code, such rules as the	31293
commissioner deems necessary to administer sections 5739.01 to	31294

5739.31 of the Revised Code. 31295

(B) Upon application, the commissioner may authorize a vendor 31296
to pay on a predetermined basis the tax levied by or pursuant to 31297
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 31298
Code upon sales of things produced or distributed or services 31299
provided by such vendor, and the commissioner may waive the 31300
collection of the tax from the consumer. The commissioner shall 31301
not grant such authority unless the commissioner finds that the 31302
granting of the authority would improve compliance and increase 31303
the efficiency of the administration of the tax. The person to 31304
whom such authority is granted shall post a notice, if required by 31305
the commissioner, at the location where the product is offered for 31306
sale that the tax is included in the selling price. The 31307
~~commissioner~~ commissioner may adopt rules to administer this 31308
division. 31309

(C) ~~The~~ Upon application, the commissioner may authorize a 31310
vendor to ~~pay~~ remit, on the basis of a prearranged agreement under 31311
this division, the tax levied by section 5739.02 or pursuant to 31312
section 5739.021, 5739.023, or 5739.026 of the Revised Code, ~~and~~ 31313
~~waive the requirement that the vendor maintain the complete and~~ 31314
~~accurate record of individual taxable sales and tax collected~~ 31315
~~thereon required by section 5739.11 of the Revised Code, upon~~ 31316
~~application of the vendor, if the commissioner finds that the~~ 31317
~~conditions of the vendor applicant's business are such that the~~ 31318
~~maintenance of such records of individual taxable sales and tax~~ 31319
~~collected thereon would impose an unreasonable burden upon the~~ 31320
~~vendor. If the commissioner determines that such unreasonable~~ 31321
~~burden has been imposed, the vendor and the commissioner shall~~ 31322
~~agree to the terms and conditions of a test check to be conducted.~~ 31323
The proportions and ratios in a prearranged agreement shall be 31324
determined either by a test check conducted by the commissioner 31325
under terms and conditions agreed to by the commissioner and the 31326

vendor or by any other method agreed upon by the vendor and the commissioner. If the parties are unable to agree to the terms and conditions of the test check or other method, the application shall be denied. ~~The~~

If used, the test check ~~conducted~~ shall determine the proportion that taxable retail sales bear to all of the vendor's retail sales and the ratio which the tax required to be collected under sections 5739.02, 5739.021, ~~and 5739.023,~~ and 5739.026 of the Revised Code bears to the receipts from the vendor's taxable retail sales.

~~The vendor shall collect the tax on the vendor's taxable sales and the vendor's liability for collecting or remitting the tax shall be based solely upon the proportions and ratios established by the test check, and not upon any other basis of determination, in the agreement until such time as a subsequent test check is made at the request of either that the vendor or the commissioner where either party believes that the nature of the vendor's business has so changed as to make the prior or existing test check agreement no longer representative. The commissioner may give notice to the vendor at any time that the authorization is revoked or the vendor may notify the commissioner that the vendor no longer elects to report under the authorization. Such notice shall be delivered to the other party personally or by registered mail. The revocation or cancellation is not effective prior to the date of receipt of such last day of the month in which the vendor or the commissioner receives the notice.~~

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to

provide for the administration and allocation of the tax. The 31358
regulations may prescribe the time for payment of the tax, and may 31359
provide for the imposition of a penalty or interest, or both, for 31360
late payments, provided that the penalty does not exceed ten per 31361
cent of the amount of tax due, and the rate at which interest 31362
accrues does not exceed the rate per annum prescribed pursuant to 31363
section 5703.47 of the Revised Code. Except as provided in 31364
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 31365
regulations shall provide, after deducting the real and actual 31366
costs of administering the tax, for the return to each municipal 31367
corporation or township that does not levy an excise tax on the 31368
transactions, a uniform percentage of the tax collected in the 31369
municipal corporation or in the unincorporated portion of the 31370
township from each transaction, not to exceed thirty-three and 31371
one-third per cent. The remainder of the revenue arising from the 31372
tax shall be deposited in a separate fund and shall be spent 31373
solely to make contributions to the convention and visitors' 31374
bureau operating within the county, including a pledge and 31375
contribution of any portion of the remainder pursuant to an 31376
agreement authorized by section 307.678 or 307.695 of the Revised 31377
Code, provided that if the board of county commissioners of an 31378
eligible county as defined in section 307.678 or 307.695 of the 31379
Revised Code adopts a resolution amending a resolution levying a 31380
tax under this division to provide that ~~the~~ revenue from the tax 31381
shall be used by the board as described in either division (D) of 31382
section 307.678 or division (H) of section 307.695 of the Revised 31383
Code, the remainder of the revenue shall be used as described in 31384
the resolution making that amendment. Except as provided in 31385
division (A)(2), (3), (4), (5), (6), or (7) or (H) of this 31386
section, on and after May 10, 1994, a board of county 31387
commissioners may not levy an excise tax pursuant to this division 31388
in any municipal corporation or township located wholly or partly 31389
within the county that has in effect an ordinance or resolution 31390

levying an excise tax pursuant to division (B) of this section. 31391
The board of a county that has levied a tax under division (C) of 31392
this section may, by resolution adopted within ninety days after 31393
July 15, 1985, by a majority of the members of the board, amend 31394
the resolution levying a tax under this division to provide for a 31395
portion of that tax to be pledged and contributed in accordance 31396
with an agreement entered into under section 307.695 of the 31397
Revised Code. A tax, any revenue from which is pledged pursuant to 31398
such an agreement, shall remain in effect at the rate at which it 31399
is imposed for the duration of the period for which the revenue 31400
from the tax has been so pledged. 31401

The board of county commissioners of an eligible county as 31402
defined in section 307.695 of the Revised Code may, by resolution 31403
adopted by a majority of the members of the board, amend a 31404
resolution levying a tax under this division to provide that the 31405
revenue from the tax shall be used by the board as described in 31406
division (H) of section 307.695 of the Revised Code, in which case 31407
the tax shall remain in effect at the rate at which it was imposed 31408
for the duration of any agreement entered into by the board under 31409
section 307.695 of the Revised Code, the duration during which any 31410
securities issued by the board under that section are outstanding, 31411
or the duration of the period during which the board owns a 31412
project as defined in section 307.695 of the Revised Code, 31413
whichever duration is longest. 31414

The board of county commissioners of an eligible county as 31415
defined in section 307.678 of the Revised Code may, by resolution, 31416
amend a resolution levying a tax under this division to provide 31417
that revenue from the tax, not to exceed five hundred thousand 31418
dollars each year, may be used as described in division (D) of 31419
section 307.678 of the Revised Code. 31420

(2) A board of county commissioners that levies an excise tax 31421
under division (A)(1) of this section on June 30, 1997, at a rate 31422

of three per cent, and that has pledged revenue from the tax to an 31423
agreement entered into under section 307.695 of the Revised Code 31424
or, in the case of the board of county commissioners of an 31425
eligible county as defined in section 307.695 of the Revised Code, 31426
has amended a resolution levying a tax under division (C) of this 31427
section to provide that proceeds from the tax shall be used by the 31428
board as described in division (H) of section 307.695 of the 31429
Revised Code, may, at any time by a resolution adopted by a 31430
majority of the members of the board, amend the resolution levying 31431
a tax under division (A)(1) of this section to provide for an 31432
increase in the rate of that tax up to seven per cent on each 31433
transaction; to provide that revenue from the increase in the rate 31434
shall be used as described in division (H) of section 307.695 of 31435
the Revised Code or be spent solely to make contributions to the 31436
convention and visitors' bureau operating within the county to be 31437
used specifically for promotion, advertising, and marketing of the 31438
region in which the county is located; and to provide that the 31439
rate in excess of the three per cent levied under division (A)(1) 31440
of this section shall remain in effect at the rate at which it is 31441
imposed for the duration of the period during which any agreement 31442
is in effect that was entered into under section 307.695 of the 31443
Revised Code by the board of county commissioners levying a tax 31444
under division (A)(1) of this section, the duration of the period 31445
during which any securities issued by the board under division (I) 31446
of section 307.695 of the Revised Code are outstanding, or the 31447
duration of the period during which the board owns a project as 31448
defined in section 307.695 of the Revised Code, whichever duration 31449
is longest. The amendment also shall provide that no portion of 31450
that revenue need be returned to townships or municipal 31451
corporations as would otherwise be required under division (A)(1) 31452
of this section. 31453

(3) A board of county commissioners that levies a tax under 31454
division (A)(1) of this section on March 18, 1999, at a rate of 31455

three per cent may, by resolution adopted not later than 31456
forty-five days after March 18, 1999, amend the resolution levying 31457
the tax to provide for all of the following: 31458

(a) That the rate of the tax shall be increased by not more 31459
than an additional four per cent on each transaction; 31460

(b) That all of the revenue from the increase in the rate 31461
shall be pledged and contributed to a convention facilities 31462
authority established by the board of county commissioners under 31463
Chapter 351. of the Revised Code on or before November 15, 1998, 31464
and used to pay costs of constructing, maintaining, operating, and 31465
promoting a facility in the county, including paying bonds, or 31466
notes issued in anticipation of bonds, as provided by that 31467
chapter; 31468

(c) That no portion of the revenue arising from the increase 31469
in rate need be returned to municipal corporations or townships as 31470
otherwise required under division (A)(1) of this section; 31471

(d) That the increase in rate shall not be subject to 31472
diminution by initiative or referendum or by law while any bonds, 31473
or notes in anticipation of bonds, issued by the authority under 31474
Chapter 351. of the Revised Code to which the revenue is pledged, 31475
remain outstanding in accordance with their terms, unless 31476
provision is made by law or by the board of county commissioners 31477
for an adequate substitute therefor that is satisfactory to the 31478
trustee if a trust agreement secures the bonds. 31479

Division (A)(3) of this section does not apply to the board 31480
of county commissioners of any county in which a convention center 31481
or facility exists or is being constructed on November 15, 1998, 31482
or of any county in which a convention facilities authority levies 31483
a tax pursuant to section 351.021 of the Revised Code on that 31484
date. 31485

As used in division (A)(3) of this section, "cost" and 31486

"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 31518
division (A)(4)(a) of this section, has amended a resolution 31519
levying the tax authorized by division (A)(1) of this section may 31520
further amend the resolution to provide that the revenue referred 31521
to in division (A)(4)(a)(ii) of this section shall be pledged and 31522
contributed both to a convention facilities authority to pay the 31523
costs of constructing, expanding, maintaining, or operating one or 31524
more convention centers in the county, including paying bonds, or 31525
notes issued in anticipation of bonds, as provided in Chapter 351. 31526
of the Revised Code, and to a convention and visitors' bureau to 31527
pay the costs of promoting one or more convention centers in the 31528
county. 31529

As used in division (A)(4) of this section, "cost" has the 31530
same meaning as in section 351.01 of the Revised Code, and 31531
"convention center" has the same meaning as in section 307.695 of 31532
the Revised Code. 31533

(5)(a) As used in division (A)(5) of this section: 31534

(i) "Port authority" means a port authority created under 31535
Chapter 4582. of the Revised Code. 31536

(ii) "Port authority military-use facility" means port 31537
authority facilities on which or adjacent to which is located an 31538
installation of the armed forces of the United States, a reserve 31539
component thereof, or the national guard and at least part of 31540
which is made available for use, for consideration, by the armed 31541
forces of the United States, a reserve component thereof, or the 31542
national guard. 31543

(b) For the purpose of contributing revenue to pay operating 31544
expenses of a port authority that operates a port authority 31545
military-use facility, the board of county commissioners of a 31546
county that created, participated in the creation of, or has 31547
joined such a port authority may do one or both of the following: 31548

(i) Amend a resolution previously adopted under division 31549
(A)(1) of this section to designate some or all of the revenue 31550
from the tax levied under the resolution to be used for that 31551
purpose, notwithstanding that division; 31552

(ii) Amend a resolution previously adopted under division 31553
(A)(1) of this section to increase the rate of the tax by not more 31554
than an additional two per cent and use the revenue from the 31555
increase exclusively for that purpose. 31556

(c) If a board of county commissioners amends a resolution to 31557
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 31558
of this section, the board also may amend the resolution to 31559
specify that the increase in rate of the tax does not apply to 31560
"hotels," as otherwise defined in section 5739.01 of the Revised 31561
Code, having fewer rooms used for the accommodation of guests than 31562
a number of rooms specified by the board. 31563

(6) A board of county commissioners of a county organized 31564
under a county charter adopted pursuant to Article X, Section 3, 31565
Ohio Constitution, and that levies an excise tax under division 31566
(A)(1) of this section at a rate of three per cent and levies an 31567
additional excise tax under division (E) of this section at a rate 31568
of one and one-half per cent may, by resolution adopted not later 31569
than January 1, 2008, by a majority of the members of the board, 31570
amend the resolution levying a tax under division (A)(1) of this 31571
section to provide for an increase in the rate of that tax by not 31572
more than an additional one per cent on transactions by which 31573
lodging by a hotel is or is to be furnished to transient guests. 31574
Notwithstanding divisions (A)(1) and (E) of this section, the 31575
resolution shall provide that all of the revenue from the increase 31576
in rate, after deducting the real and actual costs of 31577
administering the tax, shall be used to pay the costs of 31578
improving, expanding, equipping, financing, or operating a 31579
convention center by a convention and visitors' bureau in the 31580

county. The increase in rate shall remain in effect for the period 31581
specified in the resolution, not to exceed ten years. The increase 31582
in rate shall be subject to the regulations adopted under division 31583
(A)(1) of this section, except that the resolution may provide 31584
that no portion of the revenue from the increase in the rate shall 31585
be returned to townships or municipal corporations as would 31586
otherwise be required under that division. 31587

(7) Division (A)(7) of this section applies only to a county 31588
with a population greater than sixty-five thousand and less than 31589
seventy thousand according to the most recent federal decennial 31590
census and in which, on December 31, 2006, an excise tax is levied 31591
under division (A)(1) of this section at a rate not less than and 31592
not greater than three per cent, and in which the most recent 31593
increase in the rate of that tax was enacted or took effect in 31594
November 1984. 31595

The board of county commissioners of a county to which this 31596
division applies, by resolution adopted by a majority of the 31597
members of the board, may increase the rate of the tax by not more 31598
than one per cent on transactions by which lodging by a hotel is 31599
or is to be furnished to transient guests. The increase in rate 31600
shall be for the purpose of paying expenses deemed necessary by 31601
the convention and visitors' bureau operating in the county to 31602
promote travel and tourism. The increase in rate shall remain in 31603
effect for the period specified in the resolution, not to exceed 31604
twenty years, provided that the increase in rate may not continue 31605
beyond the time when the purpose for which the increase is levied 31606
ceases to exist. If revenue from the increase in rate is pledged 31607
to the payment of debt charges on securities, the increase in rate 31608
is not subject to diminution by initiative or referendum or by law 31609
for so long as the securities are outstanding, unless provision is 31610
made by law or by the board of county commissioners for an 31611
adequate substitute for that revenue that is satisfactory to the 31612

trustee if a trust agreement secures payment of the debt charges. 31613
The increase in rate shall be subject to the regulations adopted 31614
under division (A)(1) of this section, except that the resolution 31615
may provide that no portion of the revenue from the increase in 31616
the rate shall be returned to townships or municipal corporations 31617
as would otherwise be required under division (A)(1) of this 31618
section. A resolution adopted under division (A)(7) of this 31619
section is subject to referendum under sections 305.31 to 305.99 31620
of the Revised Code. 31621

(B)(1) The legislative authority of a municipal corporation 31622
or the board of trustees of a township that is not wholly or 31623
partly located in a county that has in effect a resolution levying 31624
an excise tax pursuant to division (A)(1) of this section may, by 31625
ordinance or resolution, levy an excise tax not to exceed three 31626
per cent on transactions by which lodging by a hotel is or is to 31627
be furnished to transient guests. The legislative authority of the 31628
municipal corporation or the board of trustees of the township 31629
shall deposit at least fifty per cent of the revenue from the tax 31630
levied pursuant to this division into a separate fund, which shall 31631
be spent solely to make contributions to convention and visitors' 31632
bureaus operating within the county in which the municipal 31633
corporation or township is wholly or partly located, and the 31634
balance of that revenue shall be deposited in the general fund. 31635
The municipal corporation or township shall establish all 31636
regulations necessary to provide for the administration and 31637
allocation of the tax. The regulations may prescribe the time for 31638
payment of the tax, and may provide for the imposition of a 31639
penalty or interest, or both, for late payments, provided that the 31640
penalty does not exceed ten per cent of the amount of tax due, and 31641
the rate at which interest accrues does not exceed the rate per 31642
annum prescribed pursuant to section 5703.47 of the Revised Code. 31643
The levy of a tax under this division is in addition to any tax 31644
imposed on the same transaction by a municipal corporation or a 31645

township as authorized by division (A) of section 5739.08 of the Revised Code. 31646
31647

(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: 31648
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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; 31656
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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; 31658
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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. 31666
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(b) The legislative authority of a municipal corporation that, pursuant to division (B)(2)(a) of this section, has amended 31675
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its ordinance or resolution to increase the rate of the tax 31677
authorized by division (B)(1) of this section may further amend 31678
the ordinance or resolution to provide that the revenue referred 31679
to in division (B)(2)(a)(ii) of this section shall be pledged and 31680
contributed both to a convention facilities authority to pay the 31681
costs of constructing, expanding, maintaining, or operating one or 31682
more convention centers in the county, including paying bonds, or 31683
notes issued in anticipation of bonds, as provided in Chapter 351. 31684
of the Revised Code, and to a convention and visitors' bureau to 31685
pay the costs of promoting one or more convention centers in the 31686
county. 31687

As used in division (B)(2) of this section, "cost" has the 31688
same meaning as in section 351.01 of the Revised Code, and 31689
"convention center" has the same meaning as in section 307.695 of 31690
the Revised Code. 31691

(C) For the purposes described in section 307.695 of the 31692
Revised Code and to cover the costs of administering the tax, a 31693
board of county commissioners of a county where a tax imposed 31694
under division (A)(1) of this section is in effect may, by 31695
resolution adopted within ninety days after July 15, 1985, by a 31696
majority of the members of the board, levy an additional excise 31697
tax not to exceed three per cent on transactions by which lodging 31698
by a hotel is or is to be furnished to transient guests. The tax 31699
authorized by this division shall be in addition to any tax that 31700
is levied pursuant to division (A) of this section, but it shall 31701
not apply to transactions subject to a tax levied by a municipal 31702
corporation or township pursuant to the authorization granted by 31703
division (A) of section 5739.08 of the Revised Code. The board 31704
shall establish all regulations necessary to provide for the 31705
administration and allocation of the tax. The regulations may 31706
prescribe the time for payment of the tax, and may provide for the 31707
imposition of a penalty or interest, or both, for late payments, 31708

provided that the penalty does not exceed ten per cent of the 31709
amount of tax due, and the rate at which interest accrues does not 31710
exceed the rate per annum prescribed pursuant to section 5703.47 31711
of the Revised Code. All revenues arising from the tax shall be 31712
expended in accordance with section 307.695 of the Revised Code. 31713
The board of county commissioners of an eligible county as defined 31714
in section 307.695 of the Revised Code may, by resolution adopted 31715
by a majority of the members of the board, amend the resolution 31716
levying a tax under this division to provide that the revenue from 31717
the tax shall be used by the board as described in division (H) of 31718
section 307.695 of the Revised Code. A tax imposed under this 31719
division shall remain in effect at the rate at which it is imposed 31720
for the duration of the period during which any agreement entered 31721
into by the board under section 307.695 of the Revised Code is in 31722
effect, the duration of the period during which any securities 31723
issued by the board under division (I) of section 307.695 of the 31724
Revised Code are outstanding, or the duration of the period during 31725
which the board owns a project as defined in section 307.695 of 31726
the Revised Code, whichever duration is longest. 31727

(D) For the purpose of providing contributions under division 31728
(B)(1) of section 307.671 of the Revised Code to enable the 31729
acquisition, construction, and equipping of a port authority 31730
educational and cultural facility in the county and, to the extent 31731
provided for in the cooperative agreement authorized by that 31732
section, for the purpose of paying debt service charges on bonds, 31733
or notes in anticipation of bonds, described in division (B)(1)(b) 31734
of that section, a board of county commissioners, by resolution 31735
adopted within ninety days after December 22, 1992, by a majority 31736
of the members of the board, may levy an additional excise tax not 31737
to exceed one and one-half per cent on transactions by which 31738
lodging by a hotel is or is to be furnished to transient guests. 31739
The excise tax authorized by this division shall be in addition to 31740
any tax that is levied pursuant to divisions (A), (B), and (C) of 31741

this section, to any excise tax levied pursuant to section 5739.08 31742
of the Revised Code, and to any excise tax levied pursuant to 31743
section 351.021 of the Revised Code. The board of county 31744
commissioners shall establish all regulations necessary to provide 31745
for the administration and allocation of the tax that are not 31746
inconsistent with this section or section 307.671 of the Revised 31747
Code. The regulations may prescribe the time for payment of the 31748
tax, and may provide for the imposition of a penalty or interest, 31749
or both, for late payments, provided that the penalty does not 31750
exceed ten per cent of the amount of tax due, and the rate at 31751
which interest accrues does not exceed the rate per annum 31752
prescribed pursuant to section 5703.47 of the Revised Code. All 31753
revenues arising from the tax shall be expended in accordance with 31754
section 307.671 of the Revised Code and division (D) of this 31755
section. The levy of a tax imposed under this division may not 31756
commence prior to the first day of the month next following the 31757
execution of the cooperative agreement authorized by section 31758
307.671 of the Revised Code by all parties to that agreement. The 31759
tax shall remain in effect at the rate at which it is imposed for 31760
the period of time described in division (C) of section 307.671 of 31761
the Revised Code for which the revenue from the tax has been 31762
pledged by the county to the corporation pursuant to that section, 31763
but, to any extent provided for in the cooperative agreement, for 31764
no lesser period than the period of time required for payment of 31765
the debt service charges on bonds, or notes in anticipation of 31766
bonds, described in division (B)(1)(b) of that section. 31767

(E) For the purpose of paying the costs of acquiring, 31768
constructing, equipping, and improving a municipal educational and 31769
cultural facility, including debt service charges on bonds 31770
provided for in division (B) of section 307.672 of the Revised 31771
Code, and for any additional purposes determined by the county in 31772
the resolution levying the tax or amendments to the resolution, 31773
including subsequent amendments providing for paying costs of 31774

acquiring, constructing, renovating, rehabilitating, equipping, 31775
and improving a port authority educational and cultural performing 31776
arts facility, as defined in section 307.674 of the Revised Code, 31777
and including debt service charges on bonds provided for in 31778
division (B) of section 307.674 of the Revised Code, the 31779
legislative authority of a county, by resolution adopted within 31780
ninety days after June 30, 1993, by a majority of the members of 31781
the legislative authority, may levy an additional excise tax not 31782
to exceed one and one-half per cent on transactions by which 31783
lodging by a hotel is or is to be furnished to transient guests. 31784
The excise tax authorized by this division shall be in addition to 31785
any tax that is levied pursuant to divisions (A), (B), (C), and 31786
(D) of this section, to any excise tax levied pursuant to section 31787
5739.08 of the Revised Code, and to any excise tax levied pursuant 31788
to section 351.021 of the Revised Code. The legislative authority 31789
of the county shall establish all regulations necessary to provide 31790
for the administration and allocation of the tax. The regulations 31791
may prescribe the time for payment of the tax, and may provide for 31792
the imposition of a penalty or interest, or both, for late 31793
payments, provided that the penalty does not exceed ten per cent 31794
of the amount of tax due, and the rate at which interest accrues 31795
does not exceed the rate per annum prescribed pursuant to section 31796
5703.47 of the Revised Code. All revenues arising from the tax 31797
shall be expended in accordance with section 307.672 of the 31798
Revised Code and this division. The levy of a tax imposed under 31799
this division shall not commence prior to the first day of the 31800
month next following the execution of the cooperative agreement 31801
authorized by section 307.672 of the Revised Code by all parties 31802
to that agreement. The tax shall remain in effect at the rate at 31803
which it is imposed for the period of time determined by the 31804
legislative authority of the county. That period of time shall not 31805
exceed fifteen years, except that the legislative authority of a 31806
county with a population of less than two hundred fifty thousand 31807

according to the most recent federal decennial census, by 31808
resolution adopted by a majority of its members before the 31809
original tax expires, may extend the duration of the tax for an 31810
additional period of time. The additional period of time by which 31811
a legislative authority extends a tax levied under this division 31812
shall not exceed fifteen years. 31813

(F) The legislative authority of a county that has levied a 31814
tax under division (E) of this section may, by resolution adopted 31815
within one hundred eighty days after January 4, 2001, by a 31816
majority of the members of the legislative authority, amend the 31817
resolution levying a tax under that division to provide for the 31818
use of the proceeds of that tax, to the extent that it is no 31819
longer needed for its original purpose as determined by the 31820
parties to a cooperative agreement amendment pursuant to division 31821
(D) of section 307.672 of the Revised Code, to pay costs of 31822
acquiring, constructing, renovating, rehabilitating, equipping, 31823
and improving a port authority educational and cultural performing 31824
arts facility, including debt service charges on bonds provided 31825
for in division (B) of section 307.674 of the Revised Code, and to 31826
pay all obligations under any guaranty agreements, reimbursement 31827
agreements, or other credit enhancement agreements described in 31828
division (C) of section 307.674 of the Revised Code. The 31829
resolution may also provide for the extension of the tax at the 31830
same rate for the longer of the period of time determined by the 31831
legislative authority of the county, but not to exceed an 31832
additional twenty-five years, or the period of time required to 31833
pay all debt service charges on bonds provided for in division (B) 31834
of section 307.672 of the Revised Code and on port authority 31835
revenue bonds provided for in division (B) of section 307.674 of 31836
the Revised Code. All revenues arising from the amendment and 31837
extension of the tax shall be expended in accordance with section 31838
307.674 of the Revised Code, this division, and division (E) of 31839
this section. 31840

(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. 31872

(b) "Convention center" has the same meaning as in section 31873
307.695 of the Revised Code. 31874

(2) Notwithstanding any contrary provision of division (D) of 31875
this section, the legislative authority of a county with a 31876
population of one million or more according to the most recent 31877
federal decennial census that has levied a tax under division (D) 31878
of this section may, by resolution adopted by a majority of the 31879
members of the legislative authority, provide for the extension of 31880
such levy and may provide that the proceeds of that tax, to the 31881
extent that they are no longer needed for their original purpose 31882
as defined by a cooperative agreement entered into under section 31883
307.671 of the Revised Code, shall be deposited into the county 31884
general revenue fund. The resolution shall provide for the 31885
extension of the tax at a rate not to exceed the rate specified in 31886
division (D) of this section for a period of time determined by 31887
the legislative authority of the county, but not to exceed an 31888
additional forty years. 31889

(3) The legislative authority of a county with a population 31890
of one million or more that has levied a tax under division (A)(1) 31891
of this section may, by resolution adopted by a majority of the 31892
members of the legislative authority, increase the rate of the tax 31893
levied by such county under division (A)(1) of this section to a 31894
rate not to exceed five per cent on transactions by which lodging 31895
by a hotel is or is to be furnished to transient guests. 31896
Notwithstanding any contrary provision of division (A)(1) of this 31897
section, the resolution may provide that all collections resulting 31898
from the rate levied in excess of three per cent, after deducting 31899
the real and actual costs of administering the tax, shall be 31900
deposited in the county general fund. 31901

(4) The legislative authority of a county with a population 31902
of one million or more that has levied a tax under division (A)(1) 31903

of this section may, by resolution adopted on or before August 30, 31904
2004, by a majority of the members of the legislative authority, 31905
provide that all or a portion of the proceeds of the tax levied 31906
under division (A)(1) of this section, after deducting the real 31907
and actual costs of administering the tax and the amounts required 31908
to be returned to townships and municipal corporations with 31909
respect to the first three per cent levied under division (A)(1) 31910
of this section, shall be deposited in the county general fund, 31911
provided that such proceeds shall be used to satisfy any pledges 31912
made in connection with an agreement entered into under section 31913
307.695 of the Revised Code. 31914

(5) No amount collected from a tax levied, extended, or 31915
required to be deposited in the county general fund under division 31916
(H) of this section shall be contributed to a convention 31917
facilities authority, corporation, or other entity created after 31918
July 1, 2003, for the principal purpose of constructing, 31919
improving, expanding, equipping, financing, or operating a 31920
convention center unless the mayor of the municipal corporation in 31921
which the convention center is to be operated by that convention 31922
facilities authority, corporation, or other entity has consented 31923
to the creation of that convention facilities authority, 31924
corporation, or entity. Notwithstanding any contrary provision of 31925
section 351.04 of the Revised Code, if a tax is levied by a county 31926
under division (H) of this section, the board of county 31927
commissioners of that county may determine the manner of 31928
selection, the qualifications, the number, and terms of office of 31929
the members of the board of directors of any convention facilities 31930
authority, corporation, or other entity described in division 31931
(H)(5) of this section. 31932

(6)(a) No amount collected from a tax levied, extended, or 31933
required to be deposited in the county general fund under division 31934
(H) of this section may be used for any purpose other than paying 31935

the direct and indirect costs of constructing, improving, 31936
expanding, equipping, financing, or operating a convention center 31937
and for the real and actual costs of administering the tax, 31938
unless, prior to the adoption of the resolution of the legislative 31939
authority of the county authorizing the levy, extension, increase, 31940
or deposit, the county and the mayor of the most populous 31941
municipal corporation in that county have entered into an 31942
agreement as to the use of such amounts, provided that such 31943
agreement has been approved by a majority of the mayors of the 31944
other municipal corporations in that county. The agreement shall 31945
provide that the amounts to be used for purposes other than paying 31946
the convention center or administrative costs described in 31947
division (H)(6)(a) of this section be used only for the direct and 31948
indirect costs of capital improvements, including the financing of 31949
capital improvements. 31950

(b) If the county in which the tax is levied has an 31951
association of mayors and city managers, the approval of that 31952
association of an agreement described in division (H)(6)(a) of 31953
this section shall be considered to be the approval of the 31954
majority of the mayors of the other municipal corporations for 31955
purposes of that division. 31956

(7) Each year, the auditor of state shall conduct an audit of 31957
the uses of any amounts collected from taxes levied, extended, or 31958
deposited under division (H) of this section and shall prepare a 31959
report of the auditor of state's findings. The auditor of state 31960
shall submit the report to the legislative authority of the county 31961
that has levied, extended, or deposited the tax, the speaker of 31962
the house of representatives, the president of the senate, and the 31963
leaders of the minority parties of the house of representatives 31964
and the senate. 31965

(I)(1) As used in this division: 31966

(a) "Convention facilities authority" has the same meaning as 31967

in section 351.01 of the Revised Code. 31968

(b) "Convention center" has the same meaning as in section 31969
307.695 of the Revised Code. 31970

(2) Notwithstanding any contrary provision of division (D) of 31971
this section, the legislative authority of a county with a 31972
population of one million two hundred thousand or more according 31973
to the most recent federal decennial census or the most recent 31974
annual population estimate published or released by the United 31975
States census bureau at the time the resolution is adopted placing 31976
the levy on the ballot, that has levied a tax under division (D) 31977
of this section may, by resolution adopted by a majority of the 31978
members of the legislative authority, provide for the extension of 31979
such levy and may provide that the proceeds of that tax, to the 31980
extent that the proceeds are no longer needed for their original 31981
purpose as defined by a cooperative agreement entered into under 31982
section 307.671 of the Revised Code and after deducting the real 31983
and actual costs of administering the tax, shall be used for 31984
paying the direct and indirect costs of constructing, improving, 31985
expanding, equipping, financing, or operating a convention center. 31986
The resolution shall provide for the extension of the tax at a 31987
rate not to exceed the rate specified in division (D) of this 31988
section for a period of time determined by the legislative 31989
authority of the county, but not to exceed an additional forty 31990
years. 31991

(3) The legislative authority of a county with a population 31992
of one million two hundred thousand or more that has levied a tax 31993
under division (A)(1) of this section may, by resolution adopted 31994
by a majority of the members of the legislative authority, 31995
increase the rate of the tax levied by such county under division 31996
(A)(1) of this section to a rate not to exceed five per cent on 31997
transactions by which lodging by a hotel is or is to be furnished 31998
to transient guests. Notwithstanding any contrary provision of 31999

division (A)(1) of this section, the resolution shall provide that 32000
all collections resulting from the rate levied in excess of three 32001
per cent, after deducting the real and actual costs of 32002
administering the tax, shall be used for paying the direct and 32003
indirect costs of constructing, improving, expanding, equipping, 32004
financing, or operating a convention center. 32005

(4) The legislative authority of a county with a population 32006
of one million two hundred thousand or more that has levied a tax 32007
under division (A)(1) of this section may, by resolution adopted 32008
on or before July 1, 2008, by a majority of the members of the 32009
legislative authority, provide that all or a portion of the 32010
proceeds of the tax levied under division (A)(1) of this section, 32011
after deducting the real and actual costs of administering the tax 32012
and the amounts required to be returned to townships and municipal 32013
corporations with respect to the first three per cent levied under 32014
division (A)(1) of this section, shall be used to satisfy any 32015
pledges made in connection with an agreement entered into under 32016
section 307.695 of the Revised Code or shall otherwise be used for 32017
paying the direct and indirect costs of constructing, improving, 32018
expanding, equipping, financing, or operating a convention center. 32019

(5) Any amount collected from a tax levied or extended under 32020
division (I) of this section may be contributed to a convention 32021
facilities authority created before July 1, 2005, but no amount 32022
collected from a tax levied or extended under division (I) of this 32023
section may be contributed to a convention facilities authority, 32024
corporation, or other entity created after July 1, 2005, unless 32025
the mayor of the municipal corporation in which the convention 32026
center is to be operated by that convention facilities authority, 32027
corporation, or other entity has consented to the creation of that 32028
convention facilities authority, corporation, or entity. 32029

(J) All (1) Except as provided in division (J)(2) of this 32030
section, money collected by a county and distributed under this 32031

section to a convention and visitors' bureau in existence as of 32032
June 30, 2013, the effective date of H.B. 59 of the 130th general 32033
assembly, except for any such money pledged, as of that effective 32034
date, to the payment of debt service charges on bonds, notes, 32035
securities, or lease agreements, shall be used solely for tourism 32036
sales, marketing and promotion, and their associated costs, 32037
including, but not limited to, operational and administrative 32038
costs of the bureau, sales and marketing, and maintenance of the 32039
physical bureau structure. 32040

(2) A convention and visitors' bureau that has entered into 32041
an agreement under section 307.678 of the Revised Code may use 32042
revenue it receives from a tax levied under division (A)(1) of 32043
this section as described in division (D) of section 307.678 of 32044
the Revised Code. 32045

(K) The board of county commissioners of a county with a 32046
population between one hundred three thousand and one hundred 32047
seven thousand according to the most recent federal decennial 32048
census, by resolution adopted by a majority of the members of the 32049
board within six months after the effective date of H.B. 483 of 32050
the 130th general assembly, may levy a tax not to exceed three per 32051
cent on transactions by which a hotel is or is to be furnished to 32052
transient guests. The purpose of the tax shall be to pay the costs 32053
of expanding, maintaining, or operating a soldiers' memorial and 32054
the costs of administering the tax. All revenue arising from the 32055
tax shall be credited to one or more special funds in the county 32056
treasury and shall be spent solely for the purposes of paying 32057
those costs. The board of county commissioners shall adopt all 32058
rules necessary to provide for the administration of the tax 32059
subject to the same limitations on imposing penalty or interest 32060
under division (A)(1) of this section. 32061

As used in this division "soldiers' memorial" means a 32062
memorial constructed and funded under Chapter 345. of the Revised 32063

<u>Code.</u>		32064
Sec. 5747.02. (A) For the purpose of providing revenue for		32065
the support of schools and local government functions, to provide		32066
relief to property taxpayers, to provide revenue for the general		32067
revenue fund, and to meet the expenses of administering the tax		32068
levied by this chapter, there is hereby levied on every		32069
individual, trust, and estate residing in or earning or receiving		32070
income in this state, on every individual, trust, and estate		32071
earning or receiving lottery winnings, prizes, or awards pursuant		32072
to Chapter 3770. of the Revised Code, on every individual, trust,		32073
and estate earning or receiving winnings on casino gaming, and on		32074
every individual, trust, and estate otherwise having nexus with or		32075
in this state under the Constitution of the United States, an		32076
annual tax measured in the case of individuals by Ohio adjusted		32077
gross income less an exemption for the taxpayer, the taxpayer's		32078
spouse, and each dependent as provided in section 5747.025 of the		32079
Revised Code; measured in the case of trusts by modified Ohio		32080
taxable income under division (D) of this section; and measured in		32081
the case of estates by Ohio taxable income. The tax imposed by		32082
this section on the balance thus obtained is hereby levied as		32083
follows:		32084
(1) For taxable years beginning in 2004:		32085
OHIO ADJUSTED GROSS INCOME LESS		32086
EXEMPTIONS (INDIVIDUALS)		
OR		32087
MODIFIED OHIO		32088
TAXABLE INCOME (TRUSTS)		32089
OR		32090
OHIO TAXABLE INCOME (ESTATES)	TAX	32091
\$5,000 or less	.743%	32092
More than \$5,000 but not more	\$37.15 plus 1.486% of the amount	32093

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	32094
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	32095
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	32096
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	32097
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	32098
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	32099
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	32100
(2) For taxable years beginning in 2005:		32101
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		32102
OR		32103
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		32104
OR		32105
OHIO TAXABLE INCOME (ESTATES)	TAX	32106
\$5,000 or less	.712%	32107
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	32108
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	32109
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	32110
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	32111
More than \$40,000 but not more	\$1,281.10 plus 4.983% of the	32112
		32113

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	32114
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	32115
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	32116
(3) For taxable years beginning in 2006:		32117
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		32118
OR		32119
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		32120
OR		32121
OHIO TAXABLE INCOME (ESTATES) TAX		32122
\$5,000 or less	.681%	32123
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	32124
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	32125
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	32126
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	32127
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	32128
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	32129
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	32130
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	32131
(4) For taxable years beginning in 2007:		32132
		32133

OHIO ADJUSTED GROSS INCOME LESS		32134
EXEMPTIONS (INDIVIDUALS)		
OR		32135
MODIFIED OHIO		32136
TAXABLE INCOME (TRUSTS)		32137
OR		32138
OHIO TAXABLE INCOME (ESTATES)	TAX	32139
\$5,000 or less	.649%	32140
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	32141
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	32142
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	32143
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	32144
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	32145
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	32146
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	32147
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	32148
(5) For taxable years beginning in 2008, 2009, or 2010:		32149
OHIO ADJUSTED GROSS INCOME LESS		32150
EXEMPTIONS (INDIVIDUALS)		
OR		32151
MODIFIED OHIO		32152
TAXABLE INCOME (TRUSTS)		32153
OR		32154
OHIO TAXABLE INCOME (ESTATES)	TAX	32155
\$5,000 or less	.618%	32156

More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	32157
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	32158
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	32159
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	32160
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	32161
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	32162
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	32163
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	32164
(6) For taxable years beginning in 2011 or 2012:		32165
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		32166
OR		32167
MODIFIED OHIO		32168
TAXABLE INCOME (TRUSTS)		32169
OR		32170
OHIO TAXABLE INCOME (ESTATES)	TAX	32171
\$5,000 or less	.587%	32172
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	32173
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	32174
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	32175
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	32176

More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	32177
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	32178
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	32179
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	32180
(7) For taxable years beginning in 2013:		32181
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		32182
OR		32183
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		32184
OR		32185
OHIO TAXABLE INCOME (ESTATES)	TAX	32186
\$5,000 or less	.537%	32187
More than \$5,000 but not more than \$10,000	\$26.86 plus 1.074% of the amount in excess of \$5,000	32188
More than \$10,000 but not more than \$15,000	\$80.57 plus 2.148% of the amount in excess of \$10,000	32189
More than \$15,000 but not more than \$20,000	\$187.99 plus 2.686% of the amount in excess of \$15,000	32190
More than \$20,000 but not more than \$40,000	\$322.26 plus 3.222% of the amount in excess of \$20,000	32191
More than \$40,000 but not more than \$80,000	\$966.61 plus 3.760% of the amount in excess of \$40,000	32192
More than \$80,000 but not more than \$100,000	\$2,470.50 plus 4.296% of the amount in excess of \$80,000	32193
More than \$100,000 but not more than \$200,000	\$3,329.68 plus 4.988% of the amount in excess of \$100,000	32194
More than \$200,000	\$8,317.35 plus 5.421% of the amount in excess of \$200,000	32195

(8) For taxable years beginning in 2014 <u>or thereafter</u> :		32197
OHIO ADJUSTED GROSS INCOME LESS		32198
EXEMPTIONS (INDIVIDUALS)		
OR		32199
MODIFIED OHIO		32200
TAXABLE INCOME (TRUSTS)		32201
OR		32202
OHIO TAXABLE INCOME (ESTATES)	TAX	32203
\$5,000 or less	.534%	32204
More than \$5,000 but not more than \$10,000	\$26.71 plus 1.068% of the amount in excess of \$5,000	32205
More than \$10,000 but not more than \$15,000	\$80.13 plus 2.137% of the amount in excess of \$10,000	32206
More than \$15,000 but not more than \$20,000	\$186.96 plus 2.671% of the amount in excess of \$15,000	32207
More than \$20,000 but not more than \$40,000	\$320.50 plus 3.204% of the amount in excess of \$20,000	32208
More than \$40,000 but not more than \$80,000	\$961.32 plus 3.739% of the amount in excess of \$40,000	32209
More than \$80,000 but not more than \$100,000	\$2,457.00 plus 4.272% of the amount in excess of \$80,000	32210
More than \$100,000 but not more than \$200,000	\$3,311.49 plus 4.960% of the amount in excess of \$100,000	32211
More than \$200,000	\$8,271.90 plus 5.392% of the amount in excess of \$200,000	32212
(9) For taxable years beginning in 2015 or thereafter:		32213
OHIO ADJUSTED GROSS INCOME LESS		32214
EXEMPTIONS (INDIVIDUALS)		
OR		32215
MODIFIED OHIO		32216
TAXABLE INCOME (TRUSTS)		32217
OR		32218

OHIO TAXABLE INCOME (ESTATES)	TAX	
		32219
\$5,000 or less	.528%	32220
More than \$5,000 but not more than \$10,000	\$26.41 plus 1.057% of the amount in excess of \$5,000	32221
More than \$10,000 but not more than \$15,000	\$79.24 plus 2.113% of the amount in excess of \$10,000	32222
More than \$15,000 but not more than \$20,000	\$184.90 plus 2.642% of the amount in excess of \$15,000	32223
More than \$20,000 but not more than \$40,000	\$316.98 plus 3.169% of the amount in excess of \$20,000	32224
More than \$40,000 but not more than \$80,000	\$950.76 plus 3.698% of the amount in excess of \$40,000	32225
More than \$80,000 but not more than \$100,000	\$2,430.00 plus 4.226% of the amount in excess of \$80,000	32226
More than \$100,000 but not more than \$200,000	\$3,275.10 plus 4.906% of the amount in excess of \$100,000	32227
More than \$200,000	\$8,181.00 plus 5.333% of the amount in excess of \$200,000	32228

Except as otherwise provided in this division, in August of 32229
each year, the tax commissioner shall make a new adjustment to the 32230
income amounts prescribed in this division by multiplying the 32231
percentage increase in the gross domestic product deflator 32232
computed that year under section 5747.025 of the Revised Code by 32233
each of the income amounts resulting from the adjustment under 32234
this division in the preceding year, adding the resulting product 32235
to the corresponding income amount resulting from the adjustment 32236
in the preceding year, and rounding the resulting sum to the 32237
nearest multiple of fifty dollars. The tax commissioner also shall 32238
recompute each of the tax dollar amounts to the extent necessary 32239
to reflect the new adjustment of the income amounts. The rates of 32240
taxation shall not be adjusted. 32241

The adjusted amounts apply to taxable years beginning in the 32242
calendar year in which the adjustments are made and to taxable 32243

years beginning in each ensuing calendar year until a calendar 32244
year in which a new adjustment is made pursuant to this division. 32245
The tax commissioner shall not make a new adjustment in any year 32246
in which the amount resulting from the adjustment would be less 32247
than the amount resulting from the adjustment in the preceding 32248
year. The commissioner shall not make a new adjustment for taxable 32249
years beginning in 2013, 2014, or 2015. 32250

(B) If the director of budget and management makes a 32251
certification to the tax commissioner under division (B) of 32252
section 131.44 of the Revised Code, the amount of tax as 32253
determined under division (A) of this section shall be reduced by 32254
the percentage prescribed in that certification for taxable years 32255
beginning in the calendar year in which that certification is 32256
made. 32257

(C) The levy of this tax on income does not prevent a 32258
municipal corporation, a joint economic development zone created 32259
under section 715.691, or a joint economic development district 32260
created under section 715.70 or 715.71 or sections 715.72 to 32261
715.81 of the Revised Code from levying a tax on income. 32262

(D) This division applies only to taxable years of a trust 32263
beginning in 2002 or thereafter. 32264

(1) The tax imposed by this section on a trust shall be 32265
computed by multiplying the Ohio modified taxable income of the 32266
trust by the rates prescribed by division (A) of this section. 32267

(2) A resident trust may claim a credit against the tax 32268
computed under division (D) of this section equal to the lesser of 32269
(1) the tax paid to another state or the District of Columbia on 32270
the resident trust's modified nonbusiness income, other than the 32271
portion of the resident trust's nonbusiness income that is 32272
qualifying investment income as defined in section 5747.012 of the 32273
Revised Code, or (2) the effective tax rate, based on modified 32274

Ohio taxable income, multiplied by the resident trust's modified 32275
nonbusiness income other than the portion of the resident trust's 32276
nonbusiness income that is qualifying investment income. The 32277
credit applies before any other applicable credits. 32278

(3) The credits enumerated in divisions (A)(1) to (13) of 32279
section 5747.98 of the Revised Code do not apply to a trust 32280
subject to division (D) of this section. Any credits enumerated in 32281
other divisions of section 5747.98 of the Revised Code apply to a 32282
trust subject to division (D) of this section. To the extent that 32283
the trust distributes income for the taxable year for which a 32284
credit is available to the trust, the credit shall be shared by 32285
the trust and its beneficiaries. The tax commissioner and the 32286
trust shall be guided by applicable regulations of the United 32287
States treasury regarding the sharing of credits. 32288

(E) For the purposes of this section, "trust" means any trust 32289
described in Subchapter J of Chapter 1 of the Internal Revenue 32290
Code, excluding trusts that are not irrevocable as defined in 32291
division (I)(3)(b) of section 5747.01 of the Revised Code and that 32292
have no modified Ohio taxable income for the taxable year, 32293
charitable remainder trusts, qualified funeral trusts and preneed 32294
funeral contract trusts established pursuant to sections 4717.31 32295
to 4717.38 of the Revised Code that are not qualified funeral 32296
trusts, endowment and perpetual care trusts, qualified settlement 32297
trusts and funds, designated settlement trusts and funds, and 32298
trusts exempted from taxation under section 501(a) of the Internal 32299
Revenue Code. 32300

Sec. 5747.025. (A) ~~Except as otherwise provided in this~~ 32301
~~division~~ For taxable years beginning in 2014 or 2015, the personal 32302
exemption for the taxpayer ~~and,~~ the taxpayer's spouse, and each 32303
dependent shall be ~~seven hundred fifty dollars each for the~~ 32304
~~taxable year beginning in 1996, eight hundred fifty dollars each~~ 32305

~~for the taxable year beginning in 1997, nine hundred fifty dollars~~ 32306
~~each for the taxable year beginning in 1998, and one thousand~~ 32307
~~fifty dollars each for the taxable year beginning in 1999 and~~ 32308
~~taxable years beginning after 1999. The one of the following~~ 32309
~~amounts:~~ 32310

(1) Two thousand two hundred dollars if the taxpayer's Ohio 32311
adjusted gross income for the taxable year as shown on an 32312
individual or joint annual return is less than or equal to forty 32313
thousand dollars; 32314

(2) One thousand nine hundred fifty dollars if the taxpayer's 32315
Ohio adjusted gross income for the taxable year as shown on an 32316
individual or joint annual return is greater than forty thousand 32317
dollars but less than or equal to eighty thousand dollars; 32318

(3) One thousand seven hundred dollars if the taxpayer's Ohio 32319
adjusted gross income for the taxable year as shown on an 32320
individual or joint annual return is greater than eighty thousand 32321
dollars. 32322

(B) For taxable years beginning in 2016 and thereafter, the 32323
~~personal exemption amount~~ amounts prescribed in ~~this~~ division ~~for~~ 32324
~~taxable years beginning after 1999~~ (A) of this section shall be 32325
adjusted each year in the manner prescribed in division (C) of 32326
this section. In the case of an individual with respect to whom an 32327
exemption under section 5747.02 of the Revised Code is allowable 32328
to another taxpayer for a taxable year beginning in the calendar 32329
year in which the individual's taxable year begins, the exemption 32330
amount applicable to such individual for such individual's taxable 32331
year shall be zero. 32332

~~(B) The personal exemption for each dependent shall be eight~~ 32333
~~hundred fifty dollars for the taxable year beginning in 1996, and~~ 32334
~~one thousand fifty dollars for the taxable year beginning in 1997~~ 32335
~~and taxable years beginning after 1997. The personal exemption~~ 32336

~~amount prescribed in this division for taxable years beginning 32337
after 1999 shall be adjusted each year in the manner prescribed in 32338
division (C) of this section. 32339~~

(C) Except as otherwise provided in this division, in August 32340
of each year, the tax commissioner shall determine the percentage 32341
increase in the gross domestic product deflator determined by the 32342
bureau of economic analysis of the United States department of 32343
commerce from the first day of January of the preceding calendar 32344
year to the last day of December of the preceding year, and make a 32345
new adjustment to the personal exemption amount for taxable years 32346
beginning in the current calendar year by multiplying that amount 32347
by the percentage increase in the gross domestic product deflator 32348
for that period; adding the resulting product to the personal 32349
exemption amount for taxable years beginning in the preceding 32350
calendar year; and rounding the resulting sum upward to the 32351
nearest multiple of fifty dollars. The adjusted amount applies to 32352
taxable years beginning in the calendar year in which the 32353
adjustment is made and to taxable years beginning in each ensuing 32354
calendar year until a calendar year in which a new adjustment is 32355
made pursuant to this division. The commissioner shall not make a 32356
new adjustment in any calendar year in which the amount resulting 32357
from the adjustment would be less than the amount resulting from 32358
the adjustment in the preceding calendar year. ~~The commissioner 32359
shall not make a new adjustment for taxable years beginning in 32360
2013, 2014, or 2015. 32361~~

Sec. 5747.71. ~~For taxable years beginning on or after January 32362
1, 2013, there~~ There is hereby allowed a nonrefundable credit 32363
against the tax imposed by section 5747.02 of the Revised Code for 32364
a taxpayer who is an "eligible individual" as defined in section 32365
32 of the Internal Revenue Code. The credit shall equal five per 32366
cent of the credit allowed on the taxpayer's federal income tax 32367
return pursuant to section 32 of the Internal Revenue Code for ~~the 32368~~

taxable ~~year~~ years beginning in 2013, and ten per cent of the 32369
federal credit allowed for taxable years beginning in or after 32370
2014. If the Ohio adjusted gross income of the taxpayer, or the 32371
taxpayer and the taxpayer's spouse if the taxpayer and the 32372
taxpayer's spouse file a joint return under section 5747.08 of the 32373
Revised Code, less applicable exemptions under section 5747.025 of 32374
the Revised Code, exceeds twenty thousand dollars, the credit 32375
authorized by this section shall not exceed fifty per cent of the 32376
amount of tax otherwise due under section 5747.02 of the Revised 32377
Code after deducting any other nonrefundable credits that precede 32378
the credit allowed under this section in the order prescribed by 32379
section 5747.98 of the Revised Code except for the joint filing 32380
credit authorized under division (G) of section 5747.05 of the 32381
Revised Code. In all other cases, the credit authorized by this 32382
section shall not exceed the amount of tax otherwise due under 32383
section 5747.02 of the Revised Code after deducting any other 32384
nonrefundable credits that precede the credit allowed under this 32385
section in the order prescribed by section 5747.98 of the Revised 32386
Code. 32387

The credit shall be claimed in the order prescribed by 32388
section 5747.98 of the Revised Code. 32389

Section 101.02. That existing sections 7.10, 7.16, 9.37, 32390
9.482, 9.90, 9.91, 103.41, 103.63, 109.572, 109.5721, 118.27, 32391
121.084, 122.12, 122.121, 122.861, 124.05, 124.32, 125.13, 125.18, 32392
125.182, 126.21, 126.25, 133.06, 133.07, 149.311, 149.38, 153.56, 32393
156.03, 163.15, 163.53, 163.54, 163.55, 164.26, 173.38, 173.391, 32394
173.392, 173.47, 175.04, 175.05, 175.06, 191.01, 306.04, 307.982, 32395
340.01, 340.02, 340.021, 340.03, 340.08, 340.09, 340.15, 341.12, 32396
757.03, 757.04, 757.05, 757.06, 757.07, 757.08, 935.03, 935.12, 32397
955.01, 955.05, 955.06, 1321.535, 1321.55, 1322.03, 1322.031, 32398
1322.04, 1322.041, 1322.051, 1322.06, 1322.063, 1345.06, 1711.50, 32399

1711.53, 1724.10, 1901.08, 2101.026, 2151.417, 2151.421, 2152.19, 32400
2305.09, 2710.06, 2743.191, 2907.28, 2915.08, 2925.61, 2945.402, 32401
3123.89, 3301.03, 3303.41, 3307.01, 3313.372, 3313.617, 3314.08, 32402
3317.01, 3317.02, 3317.0217, 3318.36, 3358.03, 3517.20, 3701.132, 32403
3701.34, 3701.74, 3701.83, 3702.511, 3702.52, 3702.526, 3702.59, 32404
3702.71, 3702.74, 3702.75, 3702.91, 3702.95, 3721.02, 3730.09, 32405
3735.31, 3737.02, 3745.71, 3772.02, 4121.02, 4141.01, 4141.06, 32406
4141.09, 4141.11, 4141.131, 4141.20, 4141.25, 4141.29, 4141.35, 32407
4301.07, 4303.021, 4503.44, 4511.191, 4715.14, 4715.30, 4715.302, 32408
4717.10, 4723.28, 4723.486, 4723.487, 4725.092, 4725.16, 4725.19, 32409
4729.12, 4729.51, 4729.54, 4729.541, 4729.65, 4729.80, 4729.83, 32410
4729.86, 4730.25, 4730.48, 4730.53, 4731.055, 4731.15, 4731.155, 32411
4731.22, 4731.24, 4731.241, 4731.281, 4737.045, 4758.01, 4758.02, 32412
4758.06, 4758.16, 4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 32413
4758.28, 4758.29, 4758.30, 4758.31, 4758.35, 4758.36, 4758.50, 32414
4758.51, 4758.55, 4758.561, 4758.59, 4758.60, 4758.61, 4758.71, 32415
4781.04, 4901.05, 4905.911, 4906.20, 4906.201, 4923.02, 5104.03, 32416
5104.34, 5104.341, 5104.38, 5119.21, 5119.22, 5119.25, 5123.01, 32417
5123.011, 5123.012, 5123.16, 5123.162, 5123.19, 5123.191, 5123.21, 32418
5123.61, 5123.75, 5123.76, 5123.89, 5124.01, 5124.101, 5124.106, 32419
5124.15, 5124.151, 5124.17, 5124.19, 5124.21, 5124.28, 5124.38, 32420
5124.60, 5124.61, 5124.62, 5124.67, 5126.01, 5126.02, 5126.022, 32421
5126.0219, 5126.041, 5126.046, 5126.051, 5126.08, 5126.21, 32422
5126.25, 5126.42, 5126.43, 5126.45, 5139.05, 5139.34, 5139.36, 32423
5139.41, 5153.21, 5153.42, 5164.34, 5165.10, 5165.106, 5165.15, 32424
5165.23, 5165.25, 5165.65, 5165.68, 5513.01, 5531.10, 5533.051, 32425
5703.052, 5703.21, 5705.10, 5709.12, 5709.17, 5709.40, 5713.012, 32426
5727.111, 5739.05, 5739.09, 5747.02, 5747.025, and 5747.71 of the 32427
Revised Code are hereby repealed. That existing Section 323.280 of 32428
Am. Sub. H.B. 59 of the 130th General Assembly is hereby repealed. 32429

Section 105.01. That sections 121.92, 3125.191, 3702.93, 32430
4171.03, 4171.04, 5124.63, 5124.64, and 5126.037 of the Revised 32431

Code are hereby repealed. 32432

Section 503.10. APPROPRIATIONS RELATED TO GRANT 32433
RECONCILIATION AND CLOSE-OUT 32434

If, pursuant to the reconciliation and close-out process for 32435
a grant received by a state agency, an amount is identified as 32436
both unspent and requiring remittance to the grantor, the director 32437
of the agency may request the Director of Budget and Management to 32438
authorize additional expenditures to return the unspent cash to 32439
the grantor. Upon approval of the Director of Budget and 32440
Management, the additional amounts are hereby appropriated. 32441

Section 503.20. (A) As used in this section, "participating 32442
private party" means any person or private entity that is allowed 32443
to request a criminal records check pursuant to division (A)(2) or 32444
(3) of section 109.572 of the Revised Code. 32445

(B) In addition to the authority granted by section 109.5721 32446
of the Revised Code, the Superintendent of the Bureau of Criminal 32447
Identification and Investigation may operate the retained 32448
applicant fingerprint database established by that section and 32449
take any other actions the Superintendent determines is necessary 32450
in response to requests made by a participating private party 32451
pursuant to division (A)(2) or (3) of section 109.572 of the 32452
Revised Code. 32453

(C) In connection with a request made pursuant to division 32454
(A)(2) or (3) of section 109.572 of the Revised Code, a 32455
participating private party may take any action permitted to be 32456
taken by a participating public office and shall take any action 32457
required to be taken by a participating public office pursuant to 32458
section 109.5721 of the Revised Code. 32459

(D) The Director of Budget and Management may authorize 32460
expenditures from appropriation item 651680 Health Care Grants - 32461

Federal, to pay for costs associated with the administration of 32462
the Medicaid program, including the development of the retained 32463
applicant fingerprint database, in response to requests made in 32464
accordance with section 109.5721 and division (A)(2) or (3) of 32465
section 109.572 of the Revised Code. 32466

Section 503.30. CLEAN OHIO CONSERVATION GRANT REPAYMENTS 32467

Any grant repayment received by the Public Works Commission 32468
and deposited into the Clean Ohio Conservation Fund (Fund 7056) 32469
pursuant to section 164.261 of the Revised Code is hereby 32470
appropriated in appropriation item C15060, Clean Ohio 32471
Conservation. 32472

Section 509.10. REESTABLISHING ENCUMBRANCES THAT USE OUTDATED 32473
EXPENSE ACCOUNT CODES 32474

On or after January 1, 2015, should the Director of Budget 32475
and Management elect to update expense account codes pursuant to 32476
the authority granted in division (A)(2) of section 126.21 of the 32477
Revised Code, the Director may cancel any existing operating or 32478
capital encumbrances from prior fiscal years that reference 32479
outdated expense account codes and, if needed, reestablish them 32480
against the same appropriation items referencing updated expense 32481
account codes. The reestablished encumbrance amounts are hereby 32482
appropriated. Any business commenced but not completed under the 32483
prior encumbrances by January 1, 2015, shall be completed under 32484
the new encumbrances in the same manner and with the same effect 32485
as if it was completed with regard to the old encumbrances. 32486

Section 509.20. The Department of Natural Resources is hereby 32487
authorized, pursuant to and consistent with the requirements of 32488
Chapter 127. of the Revised Code, to use moneys appropriated to it 32489
from the Ohio Parks and Natural Resources Fund (Fund 7031) and the 32490
Parks and Recreation Improvement Fund (Fund 7035) for capital 32491

projects, including, but not limited to, improvements or 32492
renovations on land or property owned by the department but used 32493
and operated, under a lease or other agreement, by an entity other 32494
than the department. No moneys shall be released under the 32495
authority of this section until the Director of Natural Resources 32496
has certified in writing to the Director of the Office of Budget 32497
and Management that the project will enhance the use and enjoyment 32498
of Ohio's state parks and natural resources. 32499

Section 512.10. On July 1, 2014, or as soon as possible 32500
thereafter, the Director of Budget and Management shall transfer 32501
the cash balance in the Education Endowment Fund (Fund P087) to 32502
the Education Facilities Trust Fund (Fund N087). Upon completion 32503
of the transfer, Fund P087 is abolished. 32504

Section 512.20. On July 1, 2014, or as soon as possible 32505
thereafter, the Director of Budget and Management shall transfer 32506
the cash balance in the Healthcare Services Fund (Fund 3W50), 32507
Healthy Ohioans Initiatives Fund (Fund 5BL0), Alcohol Testing 32508
Program Fund (Fund 5C00), TANF Family Planning Fund (Fund 5C10), 32509
Poison Control Fund (Fund 5CB0), Sewage Treatment System 32510
Innovation Fund (Fund 5CJ0), and the Health Emergency Fund (Fund 32511
5EC0) to the General Revenue Fund. Upon the completion of these 32512
transfers, Fund 3W50, Fund 5BL0, Fund 5C00, Fund 5C10, Fund 5CB0, 32513
Fund 5CJ0, and Fund 5EC0 are abolished. 32514

Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE 32515
DEPARTMENT OF JOB AND FAMILY SERVICES 32516

Within ninety days of the effective date of this section, or 32517
as soon as possible thereafter, the Director of Budget and 32518
Management shall transfer all cash in the following funds to the 32519
Administration and Operating Fund (Fund 5DM0) used by the 32520

Department of Job and Family Services:	32521
The State and Local Training Fund (Fund 3160),	32522
The Job Training Program Fund (Fund 3650),	32523
The Income Maintenance Reimbursement Fund (Fund 3A10),	32524
The ABD Managed Care - Federal Fund (Fund 3AZ0),	32525
The Children's Hospitals - Federal Fund (Fund 3BB0),	32526
The Ford Foundation Reimbursement Fund (Fund 3G90),	32527
The TANF - Employment & Training Fund (Fund 3S90),	32528
The HIPPY Program Fund (Fund 3W80),	32529
The Adoption Connection Fund (Fund 3W90),	32530
The Interagency Programs Fund (Fund 4G10),	32531
The Welfare Overpayment Intercept Fund (Fund 4K70),	32532
The Wellness Block Grant Fund (Fund 4N70),	32533
The Banking Fees Fund (Fund 4R30),	32534
The BCII Service Fees Fund (Fund 4R40),	32535
The Child Support Activities Fund (Fund 4V20),	32536
The BES Automation Administration Fund (Fund 5A50),	32537
The Public Assistance Reconciliation Fund (Fund 5AX0),	32538
The Child Support Operating Fund (Fund 5BE0),	32539
The ABD Managed Care - State Fund (Fund 5BZ0),	32540
The Private Child Care Agencies Training Fund (Fund 5E40),	32541
The EBT Contracted Services Fund (Fund 5E50),	32542
The State Option Food Stamp Program Fund (Fund 5E60),	32543
The BES Building Consolidation Fund (Fund 5F20),	32544
The BES Building Enhancement Fund (Fund 5F30),	32545

The Commission on Fatherhood Fund (Fund 5G30),	32546
The Child & Adult Protective Services Fund (Fund 5GV0),	32547
The Child Support Supplement Fund (Fund 5K60),	32548
The OhioWorks Supplement Fund (Fund 5L40),	32549
The County Technologies Fund (Fund 5N10),	32550
The TANF Child Welfare Fund (Fund 5P40),	32551
The Medicaid Admin Reimbursement Fund (Fund 5P60),	32552
The Child Support Special Payment Fund (Fund 5T20),	32553
The Federal Fiscal Relief Fund (Fund 5Y90),	32554
The Health Care Grants Fund (Fund 5Z50),	32555
The TANF QC Reinvestment Fund (Fund 5Z90),	32556
The Third Party Recoveries Fund (Fund 6000),	32557
The Training Activities Fund (Fund 6130), and	32558
The Ford Foundation Fund (Fund 6A70).	32559
Upon completion of the transfers, all the aforementioned funds	32560
listed in this section (except Fund 5DM0) are hereby abolished.	32561
Within ninety days after the effective date of this section,	32562
or as soon as possible thereafter, the Director of Budget and	32563
Management shall transfer all cash in the OhioCare Fund (Fund	32564
4X30), the Human Services Stabilization Fund (Fund 4Z70), and the	32565
Managed Care Assessment Fund (Fund 5BG0) to the General Revenue	32566
Fund. Upon completion of the transfers, Fund 4X30, Fund 4Z70, and	32567
Fund 5BG0 are hereby abolished.	32568
Section 512.40. On July 1, 2014, or as soon as possible	32569
thereafter, the Director of Budget and Management shall transfer	32570
the cash balance in the Nursing Facility Technical Assistance Fund	32571
(Fund 5L10), to the Residents Protection Fund (Fund 4E30). Upon	32572

completion of the transfer, Fund 5L10 is abolished. 32573

Section 551.10. (A) There is hereby created the Ohio 32574
healthier buckeye grant program to be administered by the director 32575
of job and family services. The program shall provide grants to 32576
county healthier buckeye councils established under section 355.02 32577
of the Revised Code and county departments of job and family 32578
services. 32579

(B) Grants may be awarded on an individual county council 32580
basis, multi-county council basis, individual county departments 32581
of job and family services basis, multiple county departments of 32582
job and family services basis, or a combination thereof. In 32583
awarding grants, the director shall give priority to county 32584
councils or county departments of job and family services with 32585
existing projects or initiatives that do the following: 32586

(1) Improve the health and well-being of low-income 32587
individuals; 32588

(2) Align and coordinate public and private resources to 32589
assist low-income individuals in achieving self-sufficiency; 32590

(3) Use local matching funds from private sector sources; 32591

(4) Implement or adapt evidence-based practices; 32592

(5) Use volunteers and peer supports; 32593

(6) Were created as a result of local assessment and planning 32594
processes; 32595

(7) Demonstrate collaboration between entities that 32596
participate in assessment and planning processes. 32597

Section 610.20. That Sections 207.10, 209.30, 221.10, 241.10, 32598
245.10, 257.10, 257.20, 259.10, 259.210, 263.10, 263.40, 263.230, 32599
263.240, 263.250, 263.270, 263.320, 263.325, 275.10, 282.10, 32600

282.30, 285.10, 285.20, 301.10, 301.33, 301.40, 301.143, 327.10, 32601
327.83, 333.10, 333.80, 340.10, 349.10, 359.10, 363.10, 365.10, 32602
395.10, 403.10, 512.70, 512.80, and 751.10 of Am. Sub. H.B. 59 of 32603
the 130th General Assembly be amended to read as follows: 32604

Sec. 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 32605

General Revenue Fund 32606

GRF 100403 Public Employees \$ 309,600 \$ 309,600 32607

Health Care Program

GRF 100414 MARCS Lease Rental \$ 5,133,700 \$ 5,135,800 32608

Payments

GRF 100415 OAKS Lease Rental \$ 22,998,500 \$ 22,982,500 32609

Payments

GRF 100416 STARS Lease Rental \$ 4,976,500 \$ 4,973,200 32610

Payments

GRF 100447 Administrative \$ ~~85,847,800~~ \$ 91,059,600 32611

Building Lease Rental 83,847,800

Payments

GRF 100448 Office Building \$ 20,000,000 \$ 20,000,000 32612

Operating Payments

GRF 100449 DAS - Building \$ 7,551,571 \$ 7,551,571 32613

Operating Payments

GRF 100452 Lean Ohio \$ 1,059,624 \$ 1,059,624 32614

GRF 100456 State IT Services \$ 1,739,038 \$ 1,739,038 32615

GRF 100457 Equal Opportunity \$ 1,910,516 \$ 1,910,516 32616

Services

GRF 100459 Ohio Business Gateway \$ 4,049,094 \$ 4,049,094 32617

GRF 130321 State Agency Support \$ 2,477,008 \$ 2,477,008 32618

Services

TOTAL GRF General Revenue Fund \$ ~~158,052,951~~ \$ 163,247,551 32619

156,052,951

General Services Fund Group 32620

1120	100616	DAS Administration	\$	6,127,659	\$	6,147,659	32621
1150	100632	Central Service Agency	\$	911,580	\$	927,699	32622
1170	100644	General Services	\$	12,993,870	\$	12,993,870	32623
		Division - Operating					
1220	100637	Fleet Management	\$	4,200,000	\$	4,200,000	32624
1250	100622	Human Resources	\$	17,749,839	\$	17,749,839	32625
		Division - Operating					
1250	100657	Benefits Communication	\$	712,316	\$	712,316	32626
1280	100620	Office of Collective Bargaining	\$	3,329,507	\$	3,329,507	32627
1300	100606	Risk Management Reserve	\$	6,635,784	\$	6,635,784	32628
1320	100631	DAS Building Management	\$	19,343,170	\$	19,343,170	32629
1330	100607	IT Services Delivery	\$	57,521,975	\$	57,521,975	32630
1880	100649	Equal Opportunity	\$	863,013	\$	863,013	32631
		Division - Operating					
2100	100612	State Printing	\$	20,459,526	\$	20,459,526	32632
2290	100630	IT Governance	\$	16,446,474	\$	16,446,474	32633
2290	100640	Leveraged Enterprise Purchases	\$	7,065,639	\$	7,065,639	32634
4270	100602	Investment Recovery	\$	1,618,062	\$	1,638,515	32635
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	32636
4P30	100603	DAS Information Services	\$	6,400,070	\$	6,400,070	32637
5C20	100605	MARCS Administration	\$	14,292,596	\$	14,512,028	32638
5C30	100608	Minor Construction Project Management	\$	1,004,375	\$	1,004,375	32639
5EB0	100635	OAKS Support Organization	\$	25,813,077	\$	19,813,077	32640
5EB0	100656	OAKS Updates and Developments	\$	9,886,923	\$	2,636,923	32641
5HU0	100655	Construction Reform	\$	150,000	\$	150,000	32642

	Demo Compliance				
5KZ0 100659	Building Improvement	\$	500,000	\$	500,000
5L70 100610	Professional	\$	2,100,000	\$	2,100,000
	Development				
5LA0 100660	Building Operation	\$	26,600,767	\$	26,814,648
5LJ0 100661	IT Development	\$	13,200,000	\$	13,200,000
5V60 100619	Employee Educational	\$	800,000	\$	800,000
	Development				
TOTAL GSF General Services Fund					32648
Group		\$	333,614,857	\$	320,854,742
Federal Special Revenue Fund Group					32650
3AJ0 100654	ARRA Broadband Mapping	\$	1,723,009	\$	1,723,009
	Grant				
TOTAL FED Federal Special Revenue					32652
Fund Group		\$	1,723,009	\$	1,723,009
State Special Revenue Fund Group					32654
5JQ0 100658	Professionals	\$	3,028,366	\$	990,000
	Licensing System				
5MV0 100662	Theater Equipment	\$	80,891	\$	80,891
	Maintenance				
5NM0 100663	911 Program	\$	290,000	\$	290,000
TOTAL SSR State Special Revenue					32658
Fund Group		\$	3,399,257	\$	1,360,891
TOTAL ALL BUDGET FUND GROUPS		\$	496,790,074	\$	487,186,193
			<u>494,790,074</u>		

Sec. 209.30. LONG-TERM CARE OMBUDSMAN 32662

The foregoing appropriation item 490410, Long-Term Care 32663
 Ombudsman, shall be used to fund ombudsman program activities as 32664
 authorized in sections 173.14 to 173.27 and section 173.99 of the 32665
 Revised Code. 32666

The State Ombudsman may explore the design of a payment 32667

method for the Ombudsman Program that includes a 32668
pay-for-performance incentive component that is earned by 32669
designated regional long-term care ombudsman programs. 32670

MYCARE OHIO 32671

The foregoing appropriation items 490410, Long-Term Care 32672
Ombudsman, 490618, Federal Aging Grants, 490612, Federal 32673
Independence Services, 490609, Regional Long-Term Care Ombudsman 32674
Program, and 490620, Ombudsman Support, may be used by the Office 32675
of the State Long-Term Care Ombudsman to provide ombudsman program 32676
activities as described in sections 173.14 to 173.27 and section 32677
173.99 of the Revised Code to consumers participating in MyCare 32678
Ohio. 32679

SENIOR COMMUNITY SERVICES 32680

The foregoing appropriation item 490411, Senior Community 32681
Services, shall be used for services designated by the Department 32682
of Aging, including, but not limited to, home-delivered and 32683
congregate meals, transportation services, personal care services, 32684
respite services, adult day services, home repair, care 32685
coordination, prevention and disease self-management, and decision 32686
support systems. Service priority shall be given to low income, 32687
frail, and cognitively impaired persons 60 years of age and over. 32688
The department shall promote cost sharing by service recipients 32689
for those services funded with senior community services funds, 32690
including, when possible, sliding-fee scale payment systems based 32691
on the income of service recipients. 32692

ALZHEIMER'S RESPITE 32693

The foregoing appropriation item 490414, Alzheimer's Respite, 32694
shall be used to fund only Alzheimer's disease services under 32695
section 173.04 of the Revised Code. 32696

NATIONAL SENIOR SERVICE CORPS 32697

The foregoing appropriation item 490506, National Senior Service Corps, shall be used by the Department of Aging to fund grants for three Corporation for National and Community Service/Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. The expenditure of these funds by any grant recipient shall be in accordance with Senior Corps policies and procedures, as stated in the Domestic Volunteer Service Act of 1973, as amended. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

SENIOR COMMUNITY OUTREACH AND EDUCATION 32713

The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS 32718
32719

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 32728

The foregoing appropriation item 490609, Regional Long-Term Care Ombudsman Program, shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the State Long-Term Care Ombudsman.

TRANSFER OF RESIDENT PROTECTION FUNDS

In each fiscal year, the Director of Budget and Management may transfer up to \$1,250,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Medicaid, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging.

The Director of Aging and the Office of the State Long-Term Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 5BA0) to implement a nursing home quality initiative as specified in section 173.60 of the Revised Code.

LONG-TERM CARE CONSUMERS GUIDE

The foregoing appropriation item 490613, Long-Term Care Consumers Guide, shall be used to conduct annual consumer satisfaction surveys and to pay for other administrative expenses related to the publication of the Ohio Long-Term Care Consumer Guide.

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND

On July 1, 2013, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the cash balance relating to the Board of Examiners of Nursing Home Administrators in the General Operations Fund (Fund 4700), used by the Department of Health. Upon receiving this certification, the Director of Budget and Management may transfer this cash from the General Operations Fund (Fund 4700) to the Board of Executives of Long-Term Services and Supports Fund (Fund 5MT0), used by the Department of Aging. If this transfer occurs,

the Director of Budget and Management shall cancel any existing 32760
encumbrances pertaining to the Board of Examiners of Nursing Home 32761
Administrators against appropriation item 440647, Fee Supported 32762
Programs, and re-establish them against appropriation item 490627, 32763
Board of Executives of LTSS. The re-established encumbrance 32764
amounts are hereby appropriated. 32765

Sec. 221.10. AGO ATTORNEY GENERAL 32766

General Revenue Fund 32767

GRF 055321 Operating Expenses \$ 42,514,169 \$ 43,114,169 32768

GRF 055405 Law-Related Education \$ 100,000 \$ 100,000 32769

GRF 055407 Tobacco Settlement \$ 1,500,000 \$ ~~1,500,000~~ 0 32770
Enforcement

GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 757,921 32771
Supplement

GRF 055415 County Prosecutors' \$ 831,499 \$ 831,499 32772
Pay Supplement

GRF 055501 Rape Crisis Centers \$ 1,000,000 \$ 1,000,000 32773

TOTAL GRF General Revenue Fund \$ 46,703,589 \$ ~~47,303,589~~ 32774
45,803,589

General Services Fund Group 32775

1060 055612 ~~General Reimbursement~~ \$ 54,806,192 \$ 55,820,716 32776
Attorney General
Operating

1950 055660 Workers' Compensation \$ 8,415,504 \$ 8,415,504 32777
Section

4180 055615 Charitable \$ 8,286,000 \$ 8,286,000 32778
Foundations

4200 055603 Attorney General \$ 1,839,074 \$ 1,839,074 32779
Antitrust

4210 055617 Police Officers' \$ 500,000 \$ 500,000 32780
Training Academy Fee

4020	055616	Victims of Crime	\$	16,456,769	\$	16,456,769	32800
4190	055623	Claims Section	\$	55,920,716	\$	56,937,131	32801
4L60	055606	DARE Programs	\$	3,578,901	\$	3,486,209	32802
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	32803
6590	055641	Solid and Hazardous Waste Background Investigations	\$	310,730	\$	310,730	32804
TOTAL SSR State Special Revenue							32805
Fund Group			\$	76,867,116	\$	77,790,839	32806
Holding Account Redistribution Fund Group							32807
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	32808
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	32809
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	32810
R042	055601	Organized Crime Commission Distributions	\$	25,025	\$	25,025	32811
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	32812
TOTAL 090 Holding Account							32813
Redistribution Fund Group			\$	6,276,025	\$	6,276,025	32814
Tobacco Master Settlement Agreement Fund Group							32815
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	500,000	\$	500,000 <u>2,000,000</u>	32816
TOTAL TSF Tobacco Master Settlement							32817
Agreement Fund Group			\$	500,000	\$	500,000 <u>2,000,000</u>	32818
TOTAL ALL BUDGET FUND GROUPS							32819
OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER							32820
Of the foregoing appropriation item 055321, Operating							32821
Expenses, \$600,000 in fiscal year 2015 shall be used to create the							32821

Ohio BCI Forensic Research and Professional Training Center at 32822
Bowling Green State University. The purpose of the Center shall be 32823
to foster forensic science research techniques (BCI Eminent 32824
Scholar) and to create professional training opportunities to 32825
students (BCI Scholars) in the forensic science fields. 32826

COUNTY SHERIFFS' PAY SUPPLEMENT 32827

The foregoing appropriation item 055411, County Sheriffs' Pay 32828
Supplement, shall be used for the purpose of supplementing the 32829
annual compensation of county sheriffs as required by section 32830
325.06 of the Revised Code. 32831

At the request of the Attorney General, the Director of 32832
Budget and Management may transfer appropriation from 32833
appropriation item 055321, Operating Expenses, to appropriation 32834
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 32835
transferred shall be used to supplement the annual compensation of 32836
county sheriffs as required by section 325.06 of the Revised Code. 32837

COUNTY PROSECUTORS' PAY SUPPLEMENT 32838

The foregoing appropriation item 055415, County Prosecutors' 32839
Pay Supplement, shall be used for the purpose of supplementing the 32840
annual compensation of certain county prosecutors as required by 32841
section 325.111 of the Revised Code. 32842

At the request of the Attorney General, the Director of 32843
Budget and Management may transfer appropriation from 32844
appropriation item 055321, Operating Expenses, to appropriation 32845
item 055415, County Prosecutors' Pay Supplement. Any appropriation 32846
so transferred shall be used to supplement the annual compensation 32847
of county prosecutors as required by section 325.111 of the 32848
Revised Code. 32849

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL 32850
REIMBURSEMENT FUND 32851

Notwithstanding any other provision of law to the contrary, 32852
on July 1, 2013, or as soon as possible thereafter, the Director 32853
of Budget and Management shall transfer \$80,000 cash from the 32854
General Revenue Fund to the General Reimbursement Fund (Fund 32855
1060). 32856

WORKERS' COMPENSATION SECTION 32857

The Workers' Compensation Fund (Fund 1950) is entitled to 32858
receive payments from the Bureau of Workers' Compensation and the 32859
Ohio Industrial Commission at the beginning of each quarter of 32860
each fiscal year to fund legal services to be provided to the 32861
Bureau of Workers' Compensation and the Ohio Industrial Commission 32862
during the ensuing quarter. The advance payment shall be subject 32863
to adjustment. 32864

In addition, the Bureau of Workers' Compensation shall 32865
transfer payments at the beginning of each quarter for the support 32866
of the Workers' Compensation Fraud Unit. 32867

All amounts shall be mutually agreed upon by the Attorney 32868
General, the Bureau of Workers' Compensation, and the Ohio 32869
Industrial Commission. 32870

ATTORNEY GENERAL PASS-THROUGH FUNDS 32871

The foregoing appropriation item 055638, Attorney General 32872
Pass-Through Funds, shall be used to receive federal grant funds 32873
provided to the Attorney General by other state agencies, 32874
including, but not limited to, the Department of Youth Services 32875
and the Department of Public Safety. 32876

GENERAL HOLDING ACCOUNT 32877

The foregoing appropriation item 055631, General Holding 32878
Account, shall be used to distribute moneys under the terms of 32879
relevant court orders or other settlements received in a variety 32880
of cases involving the Office of the Attorney General. If it is 32881

determined that additional amounts are necessary for this purpose, 32882
the amounts are hereby appropriated. 32883

ANTITRUST SETTLEMENTS 32884

The foregoing appropriation item 055632, Antitrust 32885
Settlements, shall be used to distribute moneys under the terms of 32886
relevant court orders or other out of court settlements in 32887
antitrust cases or antitrust matters involving the Office of the 32888
Attorney General. If it is determined that additional amounts are 32889
necessary for this purpose, the amounts are hereby appropriated. 32890

CONSUMER FRAUDS 32891

The foregoing appropriation item 055630, Consumer Frauds, 32892
shall be used for distribution of moneys from court-ordered 32893
judgments against sellers in actions brought by the Office of 32894
Attorney General under sections 1334.08 and 4549.48 and division 32895
(B) of section 1345.07 of the Revised Code. These moneys shall be 32896
used to provide restitution to consumers victimized by the fraud 32897
that generated the court-ordered judgments. If it is determined 32898
that additional amounts are necessary for this purpose, the 32899
amounts are hereby appropriated. 32900

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 32901

The foregoing appropriation item 055601, Organized Crime 32902
Commission Distributions, shall be used by the Organized Crime 32903
Investigations Commission, as provided by section 177.011 of the 32904
Revised Code, to reimburse political subdivisions for the expenses 32905
the political subdivisions incur when their law enforcement 32906
officers participate in an organized crime task force. If it is 32907
determined that additional amounts are necessary for this purpose, 32908
the amounts are hereby appropriated. 32909

COLLECTION PAYMENT REDISTRIBUTION 32910

The foregoing appropriation item 055650, Collection Payment 32911

Redistribution, shall be used for the purpose of allocating the 32912
revenue where debtors mistakenly paid the client agencies instead 32913
of the Attorney General's Collections Enforcement Section. If it 32914
is determined that additional amounts are necessary for this 32915
purpose, the amounts are hereby appropriated. 32916

OHIO LAW ENFORCEMENT TRAINING FUND RECOMMENDATIONS 32917

By September 1, 2013, the Attorney General, in consultation 32918
with state and local law enforcement agencies, shall submit to the 32919
President and Minority Leader of the Senate and the Speaker and 32920
Minority Leader of the House of Representatives a report 32921
recommending how to best use moneys collected from the gross 32922
casino revenue tax, pursuant to Section 6(C)(3)(f) of Article XV, 32923
Ohio Constitution, and how to best distribute such money for the 32924
purposes of enhancing public safety and providing additional 32925
training opportunities to the law enforcement community. The 32926
report shall expressly include a recommendation for sharing a 32927
portion of such moneys with local law enforcement agencies 32928
beginning in fiscal year 2015. 32929

CASH TRANSFERS FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 32930
FUND 32931

Notwithstanding section 512.20 of Am. Sub. H.B. 487 of the 32932
129th General Assembly, on July 1, 2014, or as soon as possible 32933
thereafter, the Director of Budget and Management may transfer up 32934
to \$8,000,000 cash from the Pre-Securitization Tobacco Payments 32935
Fund (Fund 5LS0) to the Tobacco Oversight Administration and 32936
Enforcement Fund (Fund U087). 32937

Sec. 241.10. COM DEPARTMENT OF COMMERCE 32938

General Services Fund Group 32939
1630 800620 Division of \$ 6,200,000 \$ 6,200,000 32940
Administration

1630	800637	Information Technology	\$	6,011,977	\$	6,011,977	32941
5430	800602	Unclaimed	\$	7,737,546	\$	7,737,546	32942
		Funds-Operating					
5430	800625	Unclaimed Funds-Claims	\$	64,000,000	\$	64,000,000	32943
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	32944
		Departments					
TOTAL GSF General Services Fund							32945
Group			\$	84,249,523	\$	84,249,523	32946
Federal Special Revenue Fund Group							32947
3480	800622	Underground Storage	\$	1,129,518	\$	1,129,518	32948
		Tanks					
3480	800624	Leaking Underground	\$	1,556,211	\$	1,556,211	32949
		Storage Tanks					
TOTAL FED Federal Special Revenue							32950
Fund Group			\$	2,685,729	\$	2,685,729	32951
State Special Revenue Fund Group							32952
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	32953
		Recovery					
4H90	800608	Cemeteries	\$	266,688	\$	266,688	32954
4X20	800619	Financial Institutions	\$	1,854,298	\$	1,854,298	32955
5440	800612	Banks	\$	6,836,589	\$	6,836,589	32956
5450	800613	Savings Institutions	\$	2,259,536	\$	2,259,536	32957
5460	800610	Fire Marshal	\$	17,336,990	\$	15,976,408	32958
5460	800639	Fire Department Grants	\$	2,198,802	\$	2,198,802	32959
						<u>5,198,802</u>	
5470	800603	Real Estate	\$	69,655	\$	69,655	32960
		Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	32961
5490	800614	Real Estate	\$	3,310,412	\$	3,310,412	32962
5500	800617	Securities	\$	4,238,814	\$	4,238,814	32963
5520	800604	Credit Union	\$	3,297,888	\$	3,297,888	32964
5530	800607	Consumer Finance	\$	3,481,692	\$	3,481,692	32965

5560 800615	Industrial Compliance	\$	26,612,520	\$	27,104,205	32966
5FW0 800616	Financial Literacy Education	\$	200,000	\$	200,000	32967
5GK0 800609	Securities Investor Education/Enforcement	\$	432,150	\$	432,150	32968
5HV0 800641	Cigarette Enforcement	\$	118,800	\$	118,800	32969
5LP0 800646	Liquor Regulatory Operating Expenses	\$	7,988,921	\$	7,844,537	32970
<u>5PA0 800647</u>	<u>Bustr Revolving Loan</u> <u>Program</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,000,000</u>	32971
5X60 800623	Video Service	\$	337,224	\$	337,224	32972
6530 800629	UST Registration/Permit Fee	\$	3,831,888 <u>2,331,888</u>	\$	3,612,588 <u>2,112,588</u>	32973
6A40 800630	Real Estate Appraiser-Operating	\$	672,973	\$	672,973	32974
TOTAL SSR State Special Revenue						32975
Fund Group		\$	85,430,840 <u>83,930,840</u>	\$	84,198,259 <u>88,698,259</u>	32976
Liquor Control Fund Group						32977
5LC0 800644	Liquor JobsOhio Extraordinary Allowance	\$	557,974	\$	372,661	32978
5LN0 800645	Liquor Operating Services	\$	13,949,342	\$	9,316,535	32979
TOTAL LCF Liquor Control						32980
Fund Group		\$	14,507,316	\$	9,689,196	32981
TOTAL ALL BUDGET FUND GROUPS						32982
		\$	186,873,408 <u>185,373,408</u>	\$	180,822,707 <u>185,322,707</u>	
ADMINISTRATIVE ASSESSMENTS						32983
Notwithstanding any other provision of law to the contrary,						32984
the Division of Administration Fund (Fund 1630) is entitled to						32985
receive assessments from all operating funds of the Department in						32986

accordance with procedures prescribed by the Director of Commerce 32987
and approved by the Director of Budget and Management. 32988

UNCLAIMED FUNDS PAYMENTS 32989

The foregoing appropriation item 800625, Unclaimed 32990
Funds-Claims, shall be used to pay claims under section 169.08 of 32991
the Revised Code. If it is determined that additional amounts are 32992
necessary, the amounts are appropriated. 32993

FIRE DEPARTMENT GRANTS 32994

Of the foregoing appropriation item 800639, Fire Department 32995
Grants, up to \$2,198,802 in ~~each~~ fiscal year 2014 and \$5,198,802 32996
in fiscal year 2015 shall be used to make annual grants to the 32997
following eligible recipients: volunteer fire departments, fire 32998
departments that serve one or more small municipalities or small 32999
townships, joint fire districts comprised of fire departments that 33000
primarily serve small municipalities or small townships, local 33001
units of government responsible for such fire departments, and 33002
local units of government responsible for the provision of fire 33003
protection services for small municipalities or small townships. 33004
For the purposes of these grants, a private fire company, as that 33005
phrase is defined in section 9.60 of the Revised Code, that is 33006
providing fire protection services under a contract to a political 33007
subdivision of the state, is an additional eligible recipient for 33008
a training grant. 33009

Eligible recipients that consist of small municipalities or 33010
small townships that all intend to contract with the same fire 33011
department or private fire company for fire protection services 33012
may jointly apply and be considered for a grant. If a joint 33013
applicant is awarded a grant, the State Fire Marshal shall, if 33014
feasible, proportionately award the grant and any equipment 33015
purchased with grant funds to each of the joint applicants based 33016
upon each applicant's contribution to and demonstrated need for 33017

fire protection services. 33018

If the grant awarded to joint applicants is an equipment 33019
grant and the equipment to be purchased cannot be readily 33020
distributed or possessed by multiple recipients, each of the joint 33021
applicants shall be awarded by the State Fire Marshal an ownership 33022
interest in the equipment so purchased in proportion to each 33023
applicant's contribution to and demonstrated need for fire 33024
protection services. The joint applicants shall then mutually 33025
agree on how the equipment is to be maintained, operated, stored, 33026
or disposed of. If, for any reason, the joint applicants cannot 33027
agree as to how jointly owned equipment is to be maintained, 33028
operated, stored, or disposed of or any of the joint applicants no 33029
longer maintain a contract with the same fire protection service 33030
provider as the other applicants, then the joint applicants shall, 33031
with the assistance of the State Fire Marshal, mutually agree as 33032
to how the jointly owned equipment is to be maintained, operated, 33033
stored, disposed of, or owned. If the joint applicants cannot 33034
agree how the grant equipment is to be maintained, operated, 33035
stored, disposed of, or owned, the State Fire Marshal may, in its 33036
discretion, require all of the equipment acquired by the joint 33037
applicants with grant funds to be returned to the State Fire 33038
Marshal. The State Fire Marshal may then award the returned 33039
equipment to any eligible recipients. For this paragraph only, an 33040
"equipment grant" also includes a MARCS Grant. 33041

Except as otherwise provided in this section, the grants 33042
shall be used by recipients to purchase firefighting or rescue 33043
equipment or gear or similar items, to provide full or partial 33044
reimbursement for the documented costs of firefighter training, 33045
or, at the discretion of the State Fire Marshal, to cover fire 33046
department costs for providing fire protection services in that 33047
grant recipient's jurisdiction. 33048

Of the foregoing appropriation item 800639, Fire Department 33049

Grants, up to \$500,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the Department of Public Safety in accordance with section 4765.55 of the Revised Code at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,000,000 in fiscal year 2015 may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to access MARCS.

MARCS Grant awards may be up to \$50,000 in fiscal year 2015 per eligible recipient. Each eligible recipient may only apply, as a separate entity or as a part of a joint application, for one MARCS Grant per fiscal year. Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to

any grant funds awarded for rescue equipment or gear, or for fire 33082
department costs associated with the provision of fire protection 33083
services, an eligible entity may receive a grant for up to \$15,000 33084
per fiscal year for full or partial reimbursement of the 33085
documented costs of firefighter training. For each fiscal year, 33086
the State Fire Marshal shall determine the total amounts to be 33087
allocated for each eligible purpose. 33088

The grant program shall be administered by the State Fire 33089
Marshal in accordance with rules the State Fire Marshal adopts as 33090
part of the state fire code adopted pursuant to section 3737.82 of 33091
the Revised Code that are necessary for the administration and 33092
operation of the grant program. The rules may further define the 33093
entities eligible to receive grants and establish criteria for the 33094
awarding and expenditure of grant funds, including methods the 33095
State Fire Marshal may use to verify the proper use of grant funds 33096
or to obtain reimbursement for or the return of equipment for 33097
improperly used grant funds. To the extent consistent with this 33098
section and until such time as the rules are updated, the existing 33099
rules in the state fire code adopted pursuant to section 3737.82 33100
of the Revised Code for fire department grants under this section 33101
apply to MARCS Grants. Any amounts in appropriation item 800639, 33102
Fire Department Grants, in excess of the amount allocated for 33103
these grants may be used for the administration of the grant 33104
program. 33105

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 33106

The Director of Budget and Management, upon the request of 33107
the Director of Commerce, may transfer up to \$500,000 in cash from 33108
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 33109
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 33110
the Division of Real Estate Operating Fund (Fund 5490) during the 33111
biennium ending June 30, 2015. 33112

	Sec. 245.10. CEB CONTROLLING BOARD				33113	
General Revenue Fund					33114	
<u>GRF 911420</u>	<u>Children Services</u>	\$	0	\$	<u>6,800,000</u>	33115
<u>GRF 911421</u>	<u>Adult Protective Services</u>	\$	0	\$	<u>10,000,000</u>	33116
GRF 911441	Ballot Advertising Costs	\$	475,000	\$	475,000	33117
TOTAL GRF General Revenue Fund		\$	475,000	\$	475,000	33118
					<u>17,275,000</u>	
General Services Fund Group						33119
5KM0 911614	CB Emergency Purposes	\$	10,000,000	\$	10,000,000	33120
TOTAL GSF General Services Fund Group		\$	10,000,000	\$	10,000,000	33121
TOTAL ALL BUDGET FUND GROUPS		\$	10,475,000	\$	10,475,000	33122
					<u>27,275,000</u>	
	FEDERAL SHARE					33123
In transferring appropriations to or from appropriation items that have federal shares identified in this act <u>Am. Sub. H.B. 59 of the 130th General Assembly</u> , the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act <u>Am. Sub. H.B. 59 of the 130th General Assembly</u> . Such changes are hereby appropriated.						33124
						33125
						33126
						33127
						33128
						33129
						33130
	DISASTER SERVICES					33131
Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior						33132
						33133
						33134
						33135
						33136
						33137

to the occurrence of any specific natural disasters or emergencies 33138
in order to facilitate the provision of timely assistance. The 33139
Emergency Management Agency of the Department of Public Safety 33140
shall use the funding to fund the State Disaster Relief Program 33141
for disasters that have a written Governor's authorization, and 33142
the State Individual Assistance Program for disasters that have a 33143
written Governor's authorization and is declared by the federal 33144
Small Business Administration. The Ohio Emergency Management 33145
Agency shall publish and make available application packets 33146
outlining procedures for the State Disaster Relief Program and the 33147
State Individual Assistance Program. 33148

Fund 5E20 shall be used by the Controlling Board, pursuant to 33149
requests submitted by state agencies, to transfer cash and 33150
appropriations to any fund and appropriation item for the payment 33151
of state agency disaster relief program expenses for disasters 33152
that have a written Governor's authorization, if the Director of 33153
Budget and Management determines that sufficient funds exist. 33154

Upon the request of the Department of Public Safety, the 33155
Controlling Board may release up to \$2,615,000 for Blanchard River 33156
flood mitigation projects. 33157

BALLOT ADVERTISING COSTS 33158

Pursuant to section 3501.17 of the Revised Code, and upon 33159
requests submitted by the Secretary of State, the Controlling 33160
Board shall approve transfers from the foregoing appropriation 33161
item 911441, Ballot Advertising Costs, to appropriation item 33162
050621, Statewide Ballot Advertising, in order to pay for the cost 33163
of public notices associated with statewide ballot initiatives. 33164

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 33165
ELIGIBILITY 33166

A state agency director shall request that the Controlling 33167
Board increase the amount of the agency's capital appropriations 33168

if the director determines such an increase is necessary for the 33169
agency to receive and use funds under the federal American 33170
Recovery and Reinvestment Act of 2009. The Controlling Board may 33171
increase the capital appropriations pursuant to the request up to 33172
the exact amount necessary under the federal act if the Board 33173
determines it is necessary for the agency to receive and use those 33174
federal funds. 33175

CHILDREN SERVICES 33176

Pursuant to Section 751.140 of this act, the Director of Job 33177
and Family Services may seek Controlling Board approval for the 33178
release and transfer of appropriations from the foregoing 33179
appropriation item 911420, Children Services. Upon approval of the 33180
Controlling Board, the Director of Budget and Management shall 33181
transfer appropriations equal to the amount requested to an 33182
appropriation item in the Department of Job and Family Services, 33183
as determined by the Director of Budget and Management. The 33184
transferred appropriations shall be used to implement the 33185
recommendations of the Children Services Funding Workgroup. 33186

ADULT PROTECTIVE SERVICES 33187

Pursuant to Section 751.130 of this act, the Director of Job 33188
and Family Services may seek Controlling Board approval for the 33189
release and transfer of appropriations from the foregoing 33190
appropriation item 911421, Adult Protective Services. Upon 33191
approval of the Controlling Board, the Director of Budget and 33192
Management shall transfer appropriations equal to the amount 33193
requested to an appropriation item in the Department of Job and 33194
Family Services, as determined by the Director of Budget and 33195
Management. The transferred appropriations shall be used to 33196
implement the recommendations of the Adult Protective Services 33197
Funding Workgroup. 33198

Sec. 257.10. DEV DEVELOPMENT SERVICES AGENCY 33199

		General Revenue Fund				33200	
GRF	195402	Coal Research	\$	261,205	\$	261,405	33201
		Operating					
GRF	195405	Minority Business	\$	1,693,691	\$	1,693,691	33202
		Development					
GRF	195407	Travel and Tourism	\$	1,300,000	\$	0	33203
GRF	195415	Business Development	\$	2,413,387	\$	2,413,387	33204
		Services					
GRF	195426	Redevelopment	\$	1,968,365	\$	468,365	33205
		Assistance					
GRF	195497	CDBG Operating Match	\$	1,015,000	\$	1,015,000	33206
GRF	195501	Appalachian Local	\$	440,000	\$	440,000	33207
		Development Districts					
GRF	195532	Technology Programs	\$	13,547,341	\$	13,547,341	33208
		and Grants					
GRF	195533	Business Assistance	\$	4,205,774	\$	4,205,774	33209
GRF	195535	Appalachia Assistance	\$	3,846,482	\$	3,846,482	33210
GRF	195537	Ohio-Israel	\$	150,000	\$	150,000	33211
		Agricultural					
		Initiative					
GRF	195901	Coal Research &	\$	2,858,900	\$	4,327,200	33212
		Development General					
		Obligation Debt					
		Service					
GRF	195905	Third Frontier	\$	66,511,600	\$	83,783,000	33213
		Research &		<u>61,911,600</u>		<u>78,483,000</u>	
		Development General					
		Obligation Debt					
		Service					
GRF	195912	Job Ready Site	\$	15,498,400	\$	19,124,500	33214
		Development General		<u>13,198,400</u>			
		Obligation Debt					
		Service					

TOTAL GRF General Revenue Fund	\$	115,710,145	\$	135,276,145	33215
		<u>108,810,145</u>		<u>129,976,145</u>	
General Services Fund Group					33216
1350 195684 Development Services Operations	\$	10,800,000	\$	10,800,000	33217
4W10 195646 Minority Business Enterprise Loan	\$	2,500,000	\$	2,500,000	33218
5KN0 195640 Local Government Innovation	\$	20,730,986	\$	21,900,000	33219
5MB0 195623 Business Incentive Grants	\$	15,000,000	\$	0	33220
5MK0 195600 Vacant Facilities Grant	\$	1,000,000	\$	1,000,000	33221
5W50 195690 Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	33222
6850 195636 Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	33223
TOTAL GSF General Services Fund Group	\$	50,880,986	\$	37,050,000	33224
Federal Special Revenue Fund Group					33226
3080 195602 Appalachian Regional Commission	\$	475,000	\$	475,000	33227
3080 195603 Housing Assistance Programs	\$	10,000,000	\$	10,000,000	33228
3080 195609 Small Business Administration Grants	\$	5,271,381	\$	5,271,381	33229
3080 195618 Energy Grants	\$	9,307,779	\$	4,109,193	33230
3080 195670 Home Weatherization Program	\$	17,000,000	\$	17,000,000	33231
3080 195671 Brownfield Redevelopment	\$	5,000,000	\$	5,000,000	33232

3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	33233
3080	195675	Procurement Technical Assistance	\$	600,000	\$	600,000	33234
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	33235
3350	195610	Energy Programs	\$	200,000	\$	200,000	33236
3AE0	195643	Workforce Development Initiatives	\$	1,800,000	\$	1,800,000	33237
3DB0	195642	Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$	38,152	\$	0	33238
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	32,046,846	\$	5,655,326	33239
3FJ0	195661	Technology Targeted Investment Program	\$	12,750,410	\$	2,250,072	33240
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	33241
3K90	195611	Home Energy Assistance Block Grant	\$	172,000,000	\$	172,000,000	33242
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	33243
3L00	195612	Community Services Block Grant	\$	27,240,217	\$	27,240,217	33244
3V10	195601	HOME Program	\$	30,000,000	\$	30,000,000	33245
TOTAL FED		Federal Special Revenue					33246
Fund Group			\$	417,389,090	\$	375,260,494	33247
State Special Revenue Fund Group							33248
4500	195624	Minority Business Bonding Program	\$	74,868	\$	74,905	33249

		Administration				
4510	195649	Business Assistance	\$	6,300,800	\$	6,700,800 33250
		Programs				
4F20	195639	State Special Projects	\$	102,145	\$	102,104 33251
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000 33252
5CG0	195679	Alternative Fuel Transportation	\$	750,000	\$	750,000 33253
5HR0	195526	Incumbent Workforce Training Vouchers	\$	30,000,000	\$	30,000,000 33254
5HR0	195622	Defense Development Assistance	\$	5,000,000	\$	5,000,000 33255
5JR0	195635	Redevelopment Program Support	\$	100,000	\$	100,000 33256
5KP0	195645	Historic Rehab Operating	\$	650,000	\$	650,000 33257
5LU0	195673	Racetrack Facility Community Economic Redevelopment Fund	\$	12,000,000	\$	0 33258
5M40	195659	Low Income Energy Assistance (USF)	\$	350,000,000	\$	350,000,000 33259
5M50	195660	Advanced Energy Loan Programs	\$	8,000,000	\$	8,000,000 33260
5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000 33261
5MJ0	195683	TourismOhio Administration	\$	8,000,000	\$	8,000,000 33262
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000 33263
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562 33264
6460	195638	Low- and Moderate- Income Housing Trust	\$	53,000,000	\$	53,000,000 33265

Fund					
TOTAL SSR State Special Revenue					33266
Fund Group		\$	474,628,375	\$	463,028,371 33267
Facilities Establishment Fund Group					33268
5S90 195628	Capital Access Loan	\$	3,000,000	\$	3,000,000 33269
Program					
7009 195664	Innovation Ohio	\$	15,000,000	\$	15,000,000 33270
7010 195665	Research and	\$	22,000,000	\$	22,000,000 33271
Development					
7037 195615	Facilities	\$	50,000,000	\$	50,000,000 33272
Establishment					
TOTAL 037 Facilities					33273
Establishment Fund Group		\$	90,000,000	\$	90,000,000 33274
Clean Ohio Revitalization Fund					33275
7003 195663	Clean Ohio Program	\$	950,000	\$	950,000 33276
TOTAL 7003	Clean Ohio	\$	950,000	\$	950,000 33277
Revitalization Fund					
Third Frontier Research & Development Fund Group					33278
7011 195686	Third Frontier	\$	1,149,750	\$	1,149,750 33279
Operating					
7011 195687	Third Frontier	\$	90,850,250	\$	90,850,250 33280
Research &					
Development Projects					
7014 195620	Third Frontier	\$	1,700,000	\$	1,700,000 33281
Operating - Tax					
7014 195692	Research &	\$	38,300,000	\$	38,300,000 33282
Development Taxable					
Bond Projects					
TOTAL 011	Third Frontier Research &	\$	132,000,000	\$	132,000,000 33283
Development Fund Group					
Job Ready Site Development Fund Group					33284
7012 195688	Job Ready Site	\$	800,000	\$	800,000 33285

Development			
TOTAL 012 Job Ready Site	\$	800,000	\$ 800,000 33286
Development Fund Group			
Tobacco Master Settlement Agreement Fund Group 33287			
M087 195435 Biomedical Research	\$	1,896,595	\$ 1,906,025 33288
and Technology			
Transfer			
TOTAL TSF Tobacco Master Settlement	\$	1,896,595	\$ 1,906,025 33289
Agreement Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	1,284,255,191	\$ 1,236,271,035 33290
		<u>1,277,355,191</u>	<u>1,230,971,035</u>

Sec. 257.20. COAL RESEARCH OPERATING 33292

The foregoing appropriation item 195402, Coal Research 33293
Operating, shall be used for the operating expenses of the 33294
Community Services Division in support of the Ohio Coal 33295
Development Office. 33296

TRAVEL AND TOURISM 33297

The foregoing appropriation item 195407, Travel and Tourism, 33298
shall be used for marketing the state of Ohio as a tourism 33299
destination and to support administrative expenses and contracts 33300
necessary to market Ohio. 33301

BUSINESS DEVELOPMENT SERVICES 33302

The foregoing appropriation item 195415, Business Development 33303
Services, shall be used for the operating expenses of the Business 33304
Services Division and the regional economic development offices 33305
and for grants for cooperative economic development ventures. 33306

REDEVELOPMENT ASSISTANCE 33307

The foregoing appropriation item 195426, Redevelopment 33308
Assistance, shall be used to fund the costs of administering the 33309
Clean Ohio Revitalization program and other urban revitalization 33310

programs that may be implemented by the Development Services 33311
Agency. Of the foregoing appropriation item 195426, Redevelopment 33312
Assistance, \$1,500,000 in fiscal year 2014 shall be used for the 33313
Famicos Foundation. 33314

CDBG OPERATING MATCH 33315

The foregoing appropriation item 195497, CDBG Operating 33316
Match, shall be used as matching funds for grants from the United 33317
States Department of Housing and Urban Development pursuant to the 33318
Housing and Community Development Act of 1974 and regulations and 33319
policy guidelines for the programs pursuant thereto. 33320

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 33321

The foregoing appropriation item 195501, Appalachian Local 33322
Development Districts, shall be used to support four local 33323
development districts. Of the foregoing appropriation amount in 33324
each fiscal year, up to \$135,000 shall be allocated to the Ohio 33325
Valley Regional Development Commission, up to \$135,000 shall be 33326
allocated to the Ohio Mid-Eastern Government Association, up to 33327
\$135,000 shall be allocated to the Buckeye Hills-Hocking Valley 33328
Regional Development District, and up to \$35,000 shall be 33329
allocated to the Eastgate Regional Council of Governments. Local 33330
development districts receiving funding under this section shall 33331
use the funds for the implementation and administration of 33332
programs and duties under section 107.21 of the Revised Code. 33333

TECHNOLOGY PROGRAMS AND GRANTS 33334

Of the foregoing appropriation item 195532, Technology 33335
Programs and Grants, up to \$547,341 in each fiscal year shall be 33336
used for operating expenses incurred in administering the Ohio 33337
Third Frontier pursuant to sections 184.10 to 184.20 of the 33338
Revised Code; up to \$13,000,000 in each fiscal year shall be used 33339
for the Thomas Edison Program pursuant to sections 122.28 to 33340
122.38 of the Revised Code, of which not more than ten per cent 33341

shall be used for operating expenses incurred in administering the program. 33342
33343

BUSINESS ASSISTANCE 33344

The foregoing appropriation item 195533, Business Assistance, 33345
may be used to provide a range of business assistance, including 33346
grants to local organizations to support economic development 33347
activities that promote minority business development, small 33348
business development, entrepreneurship, and exports of Ohio's 33349
goods and services. This appropriation item shall also be used as 33350
matching funds for grants from the United States Small Business 33351
Administration and other federal agencies, pursuant to Public Law 33352
No. 96-302 as amended by Public Law No. 98-395, and regulations 33353
and policy guidelines for the programs pursuant thereto. 33354

APPALACHIA ASSISTANCE 33355

The foregoing appropriation item 195535, Appalachia 33356
Assistance, may be used for the administrative costs of planning 33357
and liaison activities for the Governor's Office of Appalachia, to 33358
provide financial assistance to projects in Ohio's Appalachian 33359
counties, and to pay dues for the Appalachian Regional Commission. 33360
These funds may be used to match federal funds from the 33361
Appalachian Regional Commission. 33362

OHIO-ISRAEL AGRICULTURE INITIATIVE 33363

The foregoing appropriation item 195537, Ohio-Israel 33364
Agricultural Initiative, shall be used for the Ohio-Israel 33365
Agricultural Initiative. 33366

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 33367

The foregoing appropriation line item 195901, Coal Research 33368
and Development General Obligation Debt Service, shall be used to 33369
pay all debt service and related financing costs during the period 33370
July 1, 2013, through June 30, 2015 for obligations issued under 33371

sections 151.01 and 151.07 of the Revised Code.	33372
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	33373 33374
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.	33375 33376 33377 33378 33379 33380
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	33381
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.	33382 33383 33384 33385 33386 33387
Sec. 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES	33388
General Revenue Fund	33389
GRF 320412 Protective Services \$ 1,918,196 \$ 1,918,196	33390
GRF 320415 Lease-Rental Payments \$ 15,843,300 \$ 16,076,700	33391
<u>14,743,300</u>	
GRF 322420 Screening and Early Intervention \$ 300,000 \$ 300,000	33392
GRF 322451 Family Support Services \$ 5,932,758 \$ 5,932,758	33393
GRF 322501 County Boards Subsidies \$ 44,449,280 \$ 44,449,280	33394
GRF 322503 Tax Equity \$ 14,000,000 \$ 14,000,000	33395
GRF 322507 County Board Case Management \$ 2,500,000 \$ 2,500,000	33396

GRF	322508	Employment First Pilot Program	\$	3,000,000	\$	3,000,000	33397
GRF	653321	Medicaid Program Support - State	\$	6,186,694	\$	6,186,694	33398
GRF	653407	Medicaid Services	\$	430,056,111	\$	437,574,237	33399
TOTAL GRF	General Revenue Fund		\$	524,186,339	\$	531,937,865	33400
				<u>523,086,339</u>			
General Services Fund Group							33401
1520	653609	DC and Residential Operating Services	\$	3,414,317	\$	3,414,317	33402
TOTAL GSF	General Services Fund Group		\$	3,414,317	\$	3,414,317	33403
Federal Special Revenue Fund Group							33404
3A50	320613	DD Council	\$	3,297,656	\$	3,324,187	33405
3250	322612	Community Social Service Programs	\$	10,604,896	\$	10,604,896	33406
3A40	653604	DC & ICF/IID Program Support	\$	8,013,611	\$	8,013,611	33407
3A40	653605	DC and Residential Services and Support	\$	159,548,565		159,548,565	33408
3A40	653653	ICF/IID	\$	354,712,840	\$	353,895,717	33409
3G60	653639	Medicaid Waiver Services	\$	932,073,249	\$	1,025,921,683	33410
3G60	653640	Medicaid Waiver Program Support	\$	36,934,303	\$	36,170,872	33411
3M70	653650	CAFS Medicaid	\$	3,000,000	\$	3,000,000	33412
TOTAL FED	Federal Special Revenue Fund Group		\$	1,508,185,120	\$	1,600,479,531	33413
State Special Revenue Fund Group							33414
5GE0	320606	Operating and Services	\$	7,407,297	\$	7,407,297	33415
2210	322620	Supplement Service	\$	150,000	\$	150,000	33416

		Trust				
5DJ0	322625	Targeted Case	\$	33,750,000	\$	37,260,000 33417
		Management Match				
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000 33418
		Facilities				
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000 33419
5JX0	322651	Interagency Workgroup	\$	45,000		45,000 33420
		- Autism				
4890	653632	DC Direct Care	\$	16,497,169	\$	16,497,169 33421
		Services				
5CT0	653607	Intensive Behavioral	\$	1,000,000	\$	1,000,000 33422
		Needs				
5DJ0	653626	Targeted Case	\$	91,740,000	\$	100,910,000 33423
		Management Services				
5EV0	653627	Medicaid Program	\$	685,000	\$	685,000 33424
		Support				
5GE0	653606	ICF/IID and Waiver	\$	40,353,139	\$	39,106,638 33425
		Match				
5S20	653622	Medicaid Admin and	\$	17,341,201	\$	19,032,154 33426
		Oversight				
5Z10	653624	County Board Waiver	\$	284,740,000	\$	336,480,000 33427
		Match				
TOTAL SSR		State Special Revenue	\$	494,618,806	\$	559,483,258 33428
		Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	2,530,404,582	\$	2,695,314,971 33429
				<u>2,529,304,582</u>		

Sec. 259.210. FISCAL YEAR 2015 MEDICAID PAYMENT RATES FOR 33431
ICFs/IID 33432

(A) As used in this section: 33433

"Change of operator," "entering operator," "exiting 33434
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 33435
group 1," "peer group 2," "peer group 3," "provider," and 33436

"provider agreement" have the same meanings as in section 5124.01 33437
of the Revised Code. 33438

"Franchise permit fee" means the fee imposed by sections 33439
5168.60 to 5168.71 of the Revised Code. 33440

"Modified per diem rate" means the total per Medicaid day 33441
payment rate calculated for an ICF/IID under division (C) of this 33442
section. 33443

"Unmodified per diem rate" means the total per Medicaid day 33444
payment rate calculated for an ICF/IID under Chapter 5124. of the 33445
Revised Code. In the case of a new ICF/IID, "unmodified per diem 33446
rate" means the initial total per Medicaid day payment rate 33447
calculated for the new ICF/IID under section 5124.151 of the 33448
Revised Code. 33449

(B)(1) This section applies to each ~~ICF/IID~~ provider of an 33450
ICF/IID in peer group 1 or peer group 2 to which any of the 33451
following applies: 33452

~~(1)~~(a) The provider has a valid Medicaid provider agreement 33453
for the ICF/IID on June 30, 2014, and a valid Medicaid provider 33454
agreement for the ICF/IID during fiscal year 2015. 33455

~~(2)~~(b) The ICF/IID undergoes a change of operator that takes 33456
effect during fiscal year 2015, the exiting operator has a valid 33457
Medicaid provider agreement for the ICF/IID on the day immediately 33458
preceding the effective date of the change of operator, and the 33459
entering operator has a valid Medicaid provider agreement for the 33460
ICF/IID during fiscal year 2015. 33461

~~(3)~~(c) The ICF/IID is a new ICF/IID for which the provider 33462
obtains an initial provider agreement during fiscal year 2015. 33463

(2) This section does not apply to a provider of an ICF/IID 33464
in peer group 3. 33465

(C)(1) Except as otherwise provided in this section, an 33466

ICF/IID provider to which this section applies shall be paid, for 33467
ICF/IID services the ICF/IID provides during fiscal year 2015, the 33468
total modified per diem rate determined for the ICF/IID under this 33469
division. 33470

(2) Except in the case of a new ICF/IID, an ICF/IID's total 33471
modified per diem rate for fiscal year 2015 shall be the ICF/IID's 33472
total unmodified per diem rate for that fiscal year with the 33473
following modifications: 33474

(a) In place of the inflation adjustment otherwise made under 33475
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 33476
actual, allowable, per diem other protected costs, excluding the 33477
franchise permit fee, from calendar year 2013 shall be multiplied 33478
by 1.014. 33479

(b) In place of the maximum cost per case-mix unit 33480
established for the ICF/IID's peer group under division (C) of 33481
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 33482
per case-mix unit shall be the ~~following~~: 33483

~~(i) In the case of an ICF/IID with more than eight beds,~~ 33484
~~\$114.37 or the different amount, if any, specified in a future~~ 33485
~~amendment to this section made under division (D)(3) of this~~ 33486
~~section;~~ 33487

~~(ii) In the case of an ICF/IID with eight or fewer beds,~~ 33488
~~\$109.09 or the different amount, if any, specified in a future~~ 33489
~~amendment to this section made determined under division (D)(3) of~~ 33490
this section. 33491

(c) In place of the inflation adjustment otherwise calculated 33492
under division (D) of section 5124.19 of the Revised Code for the 33493
purpose of division (A)(1)(b) of that section, an inflation 33494
adjustment of 1.014 shall be used. 33495

(d) In the place of the grouper methodology prescribed, as of 33496
the day immediately before the effective date of this section, in 33497

rules authorized by section 5124.192 of the Revised Code, the new 33498
grouper methodology prescribed in rules authorized by division 33499
(D)(2)(a) of this section shall be used. 33500

(e) In place of the maximum rate for indirect care costs 33501
established for the ICF/IID's peer group under division (C) of 33502
section 5124.21 of the Revised Code, the maximum rate for indirect 33503
care costs for the ICF/IID's peer group shall be the following: 33504

(i) In the case of an ICF/IID ~~with more than eight beds in~~ peer group 1, \$68.98; 33505
33506

(ii) In the case of an ICF/IID ~~with eight or fewer beds in~~ peer group 2, \$59.60. 33507
33508

(f) In place of the inflation adjustment otherwise calculated 33509
under divisions (D)(1) and (2) of section 5124.21 of the Revised 33510
Code for the purpose of division (B)(1) of that section only, an 33511
inflation adjustment of 1.014 shall be used. 33512

(g) In place of the efficiency incentive otherwise calculated 33513
under division (B)(2) or (3) of section 5124.21 of the Revised 33514
Code, the ICF/IID's efficiency incentive for indirect care costs 33515
shall be the following: 33516

(i) In the case of an ICF/IID ~~with more than eight beds in~~ peer group 1, \$3.69; 33517
33518

(ii) In the case of an ICF/IID ~~with eight or fewer beds in~~ peer group 2, \$3.19. 33519
33520

(h) The ICF/IID's efficiency incentive for capital costs, as 33521
determined under division (E) of section 5124.17 of the Revised 33522
Code, shall be reduced by 50%. 33523

(3) In the case of a new ICF/IID, the ICF/IID's initial total 33524
modified per diem rate for fiscal year 2015 shall be the ICF/IID's 33525
total unmodified per diem rate for that fiscal year with the 33526
following modifications: 33527

(a) In place of the amount determined under division 33528
(A)(2)(a) of section 5124.151 of the Revised Code, if there are no 33529
cost or resident assessment data for the new ICF/IID, the new 33530
ICF/IID's initial per Medicaid day rate for direct care costs 33531
shall be determined as follows: 33532

(i) Using the costs per case-mix units determined for 33533
ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 33534
of the 129th General Assembly, as amended by ~~this act~~ Am. Sub. 33535
H.B. 59 of the 130th General Assembly, determine the median of the 33536
costs per case-mix units of each peer group; 33537

(ii) Multiply the median determined under division 33538
(C)(3)(a)(i) of this section by the median annual average case-mix 33539
score for the new ICF/IID's peer group for calendar year 2013; 33540

(iii) Multiply the product determined under division 33541
(C)(3)(a)(ii) of this section by 1.014. 33542

(b) In place of the amount determined under division (A)(3) 33543
of section 5124.151 of the Revised Code, the new ICF/IID's initial 33544
per Medicaid day rate for indirect care costs shall be the 33545
following: 33546

(i) If the new ICF/IID ~~has more than eight beds~~ is in peer 33547
group 1, \$68.98; 33548

(ii) If the new ICF/IID ~~has eight or fewer beds~~ is in peer 33549
group 2, \$59.60. 33550

(c) In place of the amount determined under division (A)(4) 33551
of section 5124.151 of the Revised Code, the new ICF/IID's initial 33552
per Medicaid day rate for other protected costs shall be one 33553
hundred fifteen per cent of the median rate for ICFs/IID 33554
determined under section 5124.23 of the Revised Code with the 33555
modification made under division (C)(2)(a) of this section. 33556

(4) A new ICF/IID's initial total modified per diem rate for 33557

fiscal year 2015 as determined under division (C)(3) of this 33558
section shall be adjusted at the applicable time specified in 33559
division (B) of section 5124.151 of the Revised Code. If the 33560
adjustment affects the ICF/IID's rate for ICF/IID services 33561
provided during fiscal year 2015, the modifications specified in 33562
division (C)(2) of this section apply to the adjustment. 33563

(D)(1) In consultation with the Ohio Provider Resource 33564
Association, Values and Faith Alliance, Ohio Association of County 33565
Boards of Developmental Disabilities, and Ohio Health Care 33566
Association/Ohio Centers for Intellectual Disabilities, the 33567
Director of Developmental Disabilities shall study all of the 33568
following: 33569

(a) Establishing a new grouper methodology to be used when 33570
determining ICFs/IID's case-mix scores for fiscal year 2015; 33571

~~(b) Whether the amounts specified in division (C)(2)(b)(i) 33572
and (ii) of this section are set at levels that will avoid or 33573
minimize rate reductions under division (E) of this section; 33574~~

~~(e) For the purposes of sections 5124.153 and 5124.154 of the 33575
Revised Code, specifying additional diagnoses and special care 33576
needs that individuals must have to meet the criteria for 33577
admission to designated outlier ICFs/IID or units; 33578~~

~~(d)(c) Sources of funding for, or mechanisms to ensure the 33579
budget neutrality of, the additional diagnoses and special care 33580
needs studied under division (D)(1)(c) of this section. 33581~~

(2) Not later than March 31, 2014, the Director shall adopt 33582
rules under section 5124.03 of the Revised Code to do both of the 33583
following: 33584

(a) Prescribe the following: 33585

(i) If the Director and the organizations with which the 33586
Director consults under division (D)(1) of this section agree, not 33587

later than December 31, 2013, to the terms of a new grouper 33588
methodology to be used when determining ICFs/IID's case-mix scores 33589
for fiscal year 2015, a new methodology that is consistent with 33590
those terms; 33591

(ii) If division (D)(2)(a)(i) of this section does not apply, 33592
a new grouper methodology that provides for six classes based on 33593
data available to the Director on the day immediately before the 33594
effective date of this section. 33595

(b) Specify additional diagnoses and special care needs that 33596
individuals must have to meet the criteria for admission to 33597
designated outlier ICFs/IID or units for the purposes of Medicaid 33598
payment rates under sections 5124.153 and 5124.154 of the Revised 33599
Code. 33600

(3) ~~If the~~ The Director and the organizations with which the 33601
Director consults under ~~divisions~~ division (D)(1) of this section 33602
~~agree that the amounts specified in divisions shall jointly~~ 33603
determine the amount of the maximum cost per case-mix unit to be 33604
used under division (C)(2)(b)(i) and (ii) of this section are not 33605
set at levels that will avoid or minimize. To the extent possible, 33606
the amount so determined shall do both of the following: 33607

(a) Avoid rate reductions adjustments under division (E) of 33608
this section, ~~the Director and organizations shall recommend, not~~ 33609
~~later than March 31, 2014, that the General Assembly amend this~~ 33610
~~section to revise the amounts. It is the General Assembly's intent~~ 33611
~~to amend this section to revise the amounts specified in divisions~~ 33612
~~(C)(2)(b)(i) and (ii) of this section if the Director and~~ 33613
~~organizations recommend that the amounts be revised;~~ 33614

(b) Result in payment of all desk-reviewed, actual, allowable 33615
direct care costs for the same percentage of Medicaid days for 33616
ICFs/IID in peer group 1 as for ICFs/IID in peer group 2 as of 33617
July 1, 2014, based on May 2014 Medicaid days. 33618

(E) If the mean total per diem rate for all ICFs/IID to which this section applies, weighted by May 2014 Medicaid days and determined under division (C) of this section as of July 1, 2014, is other than \$282.77, the Department of Developmental Disabilities shall adjust, for fiscal year 2015, the total per diem rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate is greater or less than \$282.77.

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Developmental Disabilities shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(G) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid ICF/IID providers subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.

(H) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2015.

Sec. 263.10. EDU DEPARTMENT OF EDUCATION

General Revenue Fund					33644	
GRF 200321	Operating Expenses	\$	13,142,780	\$	13,142,780	33645
GRF 200408	Early Childhood	\$	33,318,341	\$	45,318,341	33646
	Education					
GRF 200420	Information Technology	\$	4,241,296	\$	4,241,296	33647

	Development and Support				
GRF 200421	Alternative Education Programs	\$ 7,403,998	\$ 7,403,998	33648	
			<u>12,403,998</u>		
GRF 200422	School Management Assistance	\$ 3,000,000	\$ 3,000,000	33649	
GRF 200424	Policy Analysis	\$ 328,558	\$ 328,558	33650	
GRF 200425	Tech Prep Consortia Support	\$ 260,542	\$ 260,542	33651	
GRF 200426	Ohio Educational Computer Network	\$ 29,625,569	\$ 19,625,569	33652	
GRF 200427	Academic Standards	\$ 3,800,000	\$ 3,800,000	33653	
GRF 200437	Student Assessment	\$ 55,895,000	\$ 75,895,000	33654	
GRF 200439	Accountability/Report Cards	\$ 3,500,000	\$ 3,750,000	33655	
GRF 200442	Child Care Licensing	\$ 827,140	\$ 827,140	33656	
GRF 200446	Education Management Information System	\$ 6,833,070	\$ 6,833,070	33657	
GRF 200447	GED Testing	\$ 879,551	\$ 879,551	33658	
GRF 200448	Educator Preparation	\$ 1,136,737	\$ 1,564,237	33659	
GRF 200455	Community Schools and Choice Programs	\$ 2,438,685	\$ 2,491,395	33660	
GRF 200464	General Technology Operations	\$ 192,097	\$ 192,097	33661	
GRF 200465	Technology Integration and Professional Development	\$ 1,778,879	\$ 1,778,879	33662	
GRF 200502	Pupil Transportation	\$ 505,013,527	\$ 521,013,527	33663	
GRF 200505	School Lunch Match	\$ 9,100,000	\$ 9,100,000	33664	
GRF 200511	Auxiliary Services	\$ 130,499,457	\$ 138,214,374	33665	
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 58,951,750	\$ 62,436,882	33666	

GRF 200540	Special Education Enhancements	\$ 156,871,292	\$ 157,871,292	33667
GRF 200545	Career-Technical Education Enhancements	\$ 9,372,999	\$ 9,372,999	33668
GRF 200550	Foundation Funding	\$ 5,808,098,389	\$ 6,151,463,768	33669
GRF 200566	Literacy Improvement	\$ 150,000	\$ 150,000	33670
GRF 200901	Property Tax Allocation - Education	\$ 1,138,800,000 <u>1,126,800,000</u>	\$ 1,156,402,000 <u>1,146,402,000</u>	33671
TOTAL GRF General Revenue Fund		\$ 7,985,459,657 <u>7,973,459,657</u>	\$ 8,397,357,295 <u>8,392,357,295</u>	33672
General Services Fund Group				33673
1380 200606	Information Technology Development and Support	\$ 6,850,090	\$ 6,850,090	33674
4520 200638	Fees and Refunds	\$ 500,000	\$ 500,000	33675
4L20 200681	Teacher Certification and Licensure	\$ 8,313,762	\$ 13,658,274	33676
5960 200656	Ohio Career Information System	\$ 529,761	\$ 529,761	33677
5H30 200687	School District Solvency Assistance	\$ 25,000,000	\$ 25,000,000	33678
<u>5JC0 200654</u>	<u>Adult Career Opportunity Pilot Program</u>	<u>\$ 0</u>	<u>\$ 2,500,000</u>	33679
5KX0 200691	Ohio School Sponsorship Program	\$ 487,419	\$ 487,419	33680
5KY0 200693	Community Schools Temporary Sponsorship	\$ 83,000	\$ 83,000	33681
TOTAL GSF General Services Fund Group		\$ 41,764,032	\$ 47,108,544 <u>49,608,544</u>	33682 33683
Federal Special Revenue Fund Group				33684

3090	200601	Neglected and Delinquent Education	\$	2,168,642	\$	2,168,642	33685
3670	200607	School Food Services	\$	8,200,664	\$	8,700,149	33686
3700	200624	Education of Exceptional Children	\$	1,530,000	\$	1,530,000	33687
3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	33688
3AN0	200671	School Improvement Grants	\$	20,400,000	\$	20,400,000	33689
3BK0	200628	Longitudinal Data Systems	\$	1,250,000	\$	0	33690
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	33691
3CG0	200646	Teacher Incentive	\$	15,125,588	\$	15,183,285	33692
3D20	200667	Math Science Partnerships	\$	6,000,000	\$	6,000,000	33693
3EC0	200653	Teacher Incentive - Federal Stimulus	\$	1,300,000	\$	0	33694
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	33695
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	33696
3EK0	200637	Advanced Placement	\$	450,000	\$	450,000	33697
3EN0	200655	State Data Systems - Federal Stimulus	\$	1,250,000	\$	0	33698
3FD0	200665	Race to the Top	\$	136,000,000	\$	58,074,046	33699
3FN0	200672	Early Learning Challenge - Race to the Top	\$	7,040,000	\$	7,040,000	33700
3GE0	200674	Summer Food Service Program	\$	13,596,000	\$	14,003,800	33701
3GF0	200675	Miscellaneous Nutrition Grants	\$	700,000	\$	700,000	33702
3GG0	200676	Fresh Fruit and	\$	4,738,000	\$	4,880,140	33703

		Vegetable Program				
3H90	200605	Head Start	\$	225,000	\$	225,000 33704
		Collaboration Project				
3L60	200617	Federal School Lunch	\$	350,608,075	\$	361,126,273 33705
3L70	200618	Federal School	\$	108,480,590	\$	112,819,813 33706
		Breakfast				
3L80	200619	Child/Adult Food	\$	106,992,650	\$	110,202,428 33707
		Programs				
3L90	200621	Career-Technical	\$	44,663,900	\$	44,663,900 33708
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	560,000,000	\$	560,000,000 33709
3M20	200680	Individuals with	\$	443,170,050	\$	443,170,050 33710
		Disabilities				
		Education Act				
3T40	200613	Public Charter	\$	500,000	\$	0 33711
		Schools				
3Y20	200688	21st Century	\$	48,201,810	\$	50,611,900 33712
		Community Learning				
		Centers				
3Y60	200635	Improving Teacher	\$	101,900,000	\$	101,900,000 33713
		Quality				
3Y70	200689	English Language	\$	9,700,000	\$	9,700,000 33714
		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,300,000	\$	3,300,000 33715
		Technical Assistance				
3Z20	200690	State Assessments	\$	11,800,000	\$	11,800,000 33716
3Z30	200645	Consolidated Federal	\$	7,949,280	\$	7,949,280 33717
		Grant Administration				
TOTAL FED		Federal Special				33718
Revenue Fund Group			\$	2,038,044,998	\$	1,977,403,455 33719
State Special Revenue Fund Group						33720
4540	200610	GED Testing	\$	1,050,000	\$	250,000 33721
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 33722

4R70	200695	Indirect Operational Support	\$	6,600,000	\$	6,600,000	33723
4V70	200633	Interagency Program Support	\$	717,725	\$	717,725	33724
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	33725
5BJ0	200626	Half-Mill Maintenance Equalization	\$	19,000,000	\$	20,000,000	33726
5MM0	200677	Child Nutrition Refunds	\$	500,000	\$	500,000	33727
5T30	200668	Gates Foundation Grants	\$	200,000	\$	153,000	33728
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	33729
6200	200615	Educational Improvement Grants	\$	300,000	\$	300,000	33730
TOTAL SSR State Special Revenue							33731
Fund Group			\$	53,996,635	\$	54,149,635	33732
Lottery Profits Education Fund Group							33733
7017	200612	Foundation Funding	\$	775,500,000	\$	853,000,000 <u>857,700,000</u>	33734
<u>7017</u>	<u>200629</u>	<u>Career Advising and Mentoring</u>	\$	<u>0</u>	\$	<u>10,000,000</u>	33735
7017	200648	Straight A Fund	\$	100,000,000	\$	150,000,000	33736
7017	200666	EdChoice Expansion	\$	8,500,000 <u>3,800,000</u>	\$	17,000,000	33737
7017	200684	Community School Facilities	\$	7,500,000	\$	7,500,000	33738
TOTAL LPE Lottery Profits							33739
Education Fund Group			\$	891,500,000 <u>886,800,000</u>	\$	1,027,500,000 <u>1,042,200,000</u>	33740
Revenue Distribution Fund Group							33741

7047	200909	School District	\$	482,000,000	\$	482,000,000	33742
		Property Tax					
		Replacement-Business					
7053	200900	School District	\$	28,000,000	\$	28,000,000	33743
		Property Tax					
		Replacement-Utility					
TOTAL RDF Revenue Distribution							33744
Fund Group			\$	510,000,000	\$	510,000,000	33745
TOTAL ALL BUDGET FUND GROUPS				\$11,520,765,322		\$12,013,518,929	33746
				<u>11,504,065,322</u>		<u>12,025,718,929</u>	

Sec. 263.40. ALTERNATIVE EDUCATION PROGRAMS 33748

Of the foregoing appropriation item 200421, Alternative 33749
Education Programs, up to \$5,000,000 in fiscal year 2015 shall be 33750
used to make payments under sections 3314.38, 3317.23, 3317.24, 33751
and 3345.86 of the Revised Code as enacted by this act. 33752

The ~~foregoing~~ remainder of appropriation item 200421, 33753
Alternative Education Programs, shall be used for the renewal of 33754
successful implementation grants and for competitive matching 33755
grants to school districts for alternative educational programs 33756
for existing and new at-risk and delinquent youth. Programs shall 33757
be focused on youth in one or more of the following categories: 33758
those who have been expelled or suspended, those who have dropped 33759
out of school or who are at risk of dropping out of school, those 33760
who are habitually truant or disruptive, or those on probation or 33761
on parole from a Department of Youth Services facility. Grants 33762
shall be awarded only to programs in which the grant will not 33763
serve as the program's primary source of funding. These grants 33764
shall be administered by the Department of Education. 33765

The Department of Education may waive compliance with any 33766
minimum education standard established under section 3301.07 of 33767
the Revised Code for any alternative school that receives a grant 33768

under this section on the grounds that the waiver will enable the 33769
program to more effectively educate students enrolled in the 33770
alternative school. 33771

Of the foregoing appropriation item 200421, Alternative 33772
Education Programs, a portion may be used for program 33773
administration, monitoring, technical assistance, support, 33774
research, and evaluation. 33775

Sec. 263.230. FOUNDATION FUNDING 33776

Of the foregoing appropriation item 200550, Foundation 33777
Funding, up to \$675,000 in fiscal year 2014 shall be used to 33778
support the work of the College of Education and Human Ecology at 33779
the Ohio State University in reviewing and assessing the alignment 33780
of courses offered through the distance learning clearinghouse 33781
established in sections 3333.81 to 3333.88 of the Revised Code 33782
with the academic content standards adopted under division (A) of 33783
section 3301.079 of the Revised Code. 33784

Of the foregoing appropriation item 200550, Foundation 33785
Funding, up to \$40,000,000 in each fiscal year shall be used to 33786
provide additional state aid to school districts, joint vocational 33787
school districts, community schools, and STEM schools for special 33788
education students under division (C)(3) of section 3314.08, 33789
section 3317.0214, division (B) of section 3317.16, and section 33790
3326.34 of the Revised Code, except that the Controlling Board may 33791
increase these amounts if presented with such a request from the 33792
Department of Education at the final meeting of the fiscal year. 33793

Of the foregoing appropriation item 200550, Foundation 33794
Funding, up to \$2,000,000 in each fiscal year shall be reserved 33795
for Youth Services tuition payments under section 3317.024 of the 33796
Revised Code. 33797

Of the foregoing appropriation item 200550, Foundation 33798

Funding, up to \$3,800,000 in each fiscal year shall be used to 33799
fund gifted education at educational service centers. The 33800
Department shall distribute the funding through the unit-based 33801
funding methodology in place under division (L) of section 33802
3317.024, division (E) of section 3317.05, and divisions (A), (B), 33803
and (C) of section 3317.053 of the Revised Code as they existed 33804
prior to fiscal year 2010. 33805

Of the foregoing appropriation item 200550, Foundation 33806
Funding, up to \$43,500,000 in fiscal year 2014 and up to 33807
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 33808
state reimbursement of educational service centers under the 33809
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 33810
entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to 33811
\$3,500,000 in each fiscal year shall be distributed to educational 33812
service centers for School Improvement Initiatives and, in 33813
consultation with the Governor's Director of 21st Century 33814
Education, for the provision of technical assistance as required 33815
by the Elementary and Secondary Education Act Flexibility waivers 33816
approved for Ohio by the United States Department of Education. 33817
Educational service centers shall be required to support districts 33818
in the development and implementation of their continuous 33819
improvement plans as required in section 3302.04 of the Revised 33820
Code and to provide technical assistance and support in accordance 33821
with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 33822
1425, 20 U.S.C. 6317, as administered pursuant to the Elementary 33823
and Secondary Education Act Flexibility waivers approved for Ohio 33824
by the United States Department of Education. 33825

Of the foregoing appropriation item 200550, Foundation 33826
Funding, up to \$20,000,000 in each fiscal year shall be reserved 33827
for payments under sections 3317.026, 3317.027, and 3317.028 of 33828
the Revised Code. If this amount is not sufficient, the Department 33829
of Education shall prorate the payment amounts so that the 33830

aggregate amount allocated in this paragraph is not exceeded. 33831

Of the foregoing appropriation item 200550, Foundation 33832
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 33833
career-technical planning districts for the amounts reimbursed to 33834
students, as prescribed in this paragraph. Each career-technical 33835
planning district shall reimburse individuals taking the online 33836
General Educational Development (GED) test for the first time for 33837
application/test fees in excess of \$40. Each career-technical 33838
planning district shall designate a site or sites where 33839
individuals may register and take the exam. For each individual 33840
that registers for the exam, the career-technical planning 33841
district shall make available and offer career counseling 33842
services, including information on adult education programs that 33843
are available. Any remaining funds in each fiscal year shall be 33844
reimbursed to the Department of Youth Services and the Department 33845
of Rehabilitation and Correction for individuals in these 33846
facilities who have taken the GED for the first time. The amounts 33847
reimbursed shall not exceed the per-individual amounts reimbursed 33848
to other individuals under this section for each section of the 33849
GED. 33850

Of the foregoing appropriation item 200550, Foundation 33851
Funding, up to \$410,000 in each fiscal year shall be used to pay 33852
career-technical planning districts \$500 for each student that 33853
receives a journeyman certification, as recognized by the United 33854
States Department of Labor. 33855

Of the foregoing appropriation item 200550, Foundation 33856
Funding, up to \$18,713,327 in ~~each~~ fiscal year 2014 and up to 33857
\$26,213,327 in fiscal year 2015 shall be used to support school 33858
choice programs. 33859

Of the portion of the funds distributed to the Cleveland 33860
Municipal School District under this section, up to \$11,901,887 in 33861
each fiscal year shall be used to operate the school choice 33862

program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to \$1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department of Education.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$250,000 in fiscal year 2015 may be used for payment of the Post-Secondary Enrollment Options Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$5,000,000 in fiscal year 2014 shall be used to reimburse school districts for the full amount deducted in that year under section 3310.55 of the Revised Code for Jon Peterson Scholarships awarded under sections 3310.51 to 3310.64 of the Revised Code to students who did not attend a public school in their resident district in the previous school year. If this amount is not sufficient, the Department of Education shall prorate the payment amounts so that the aggregate amount

appropriated in this paragraph is not exceeded. 33895

Of the foregoing appropriation item 200550, Foundation 33896
Funding, an amount shall be available in each fiscal year to be 33897
paid to joint vocational school districts in accordance with 33898
division (A) of section 3317.16 of the Revised Code and the 33899
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 33900
entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 33901
DISTRICTS." 33902

Of the foregoing appropriation item 200550, Foundation 33903
Funding, up to \$700,000 in each fiscal year shall be used by the 33904
Department of Education for a program to pay for educational 33905
services for youth who have been assigned by a juvenile court or 33906
other authorized agency to any of the facilities described in 33907
division (A) of the section of ~~this act~~ Am. Sub. H.B. 59 of the 33908
130th General Assembly entitled "PRIVATE TREATMENT FACILITY 33909
PROJECT." 33910

Of the foregoing appropriation item 200550, Foundation 33911
Funding, up to \$675,000 in fiscal year 2015 shall be used to 33912
provide grants on a competitive basis to public and chartered 33913
nonpublic schools for their participation in the electronic 33914
textbook pilot project. These funds shall be administered as 33915
provided under the section of ~~this act~~ Am. Sub. H.B. 59 of the 33916
130th General Assembly entitled ELECTRONIC TEXTBOOK PILOT PROJECT. 33917

Of the foregoing appropriation item 200550, Foundation 33918
Funding, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 33919
in fiscal year 2015 shall be used for the New Leaders for Ohio 33920
Schools Pilot Project in accordance with Section 733.40 of ~~this~~ 33921
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly. 33922

The remainder of appropriation item 200550, Foundation 33923
Funding, shall be used to distribute the amounts calculated for 33924
formula aid under section 3317.022 of the Revised Code and the 33925

section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 33926
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 33927
VILLAGE SCHOOL DISTRICTS." 33928

Appropriation items 200502, Pupil Transportation, 200540, 33929
Special Education Enhancements, and 200550, Foundation Funding, 33930
other than specific set-asides, are collectively used in each 33931
fiscal year to pay state formula aid obligations for school 33932
districts, community schools, STEM schools, college preparatory 33933
boarding schools, and joint vocational school districts under ~~this~~ 33934
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly. The first 33935
priority of these appropriation items, with the exception of 33936
specific set-asides, is to fund state formula aid obligations. It 33937
may be necessary to reallocate funds among these appropriation 33938
items or use excess funds from other general revenue fund 33939
appropriation items in the Department of Education's budget in 33940
each fiscal year, in order to meet state formula aid obligations. 33941
If it is determined that it is necessary to transfer funds among 33942
these appropriation items or to transfer funds from other General 33943
Revenue Fund appropriations in the Department of Education's 33944
budget to meet state formula aid obligations, the Department of 33945
Education shall seek approval from the Controlling Board to 33946
transfer funds as needed. 33947

The Superintendent of Public Instruction shall make payments, 33948
transfers, and deductions, as authorized by Title XXXIII of the 33949
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 33950
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 33951
amounts substantially equal to those made in the prior year, or 33952
otherwise, at the discretion of the Superintendent, until at least 33953
the effective date of the amendments and enactments made to Title 33954
XXXIII by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly. 33955
If a new school district, community school, or STEM school opens 33956
prior to the effective date of ~~this act~~ Am. Sub. H.B. 59 of the 33957

130th General Assembly, the Department of Education shall pay to 33958
the district or school an amount of \$5,000 per pupil, based upon 33959
the estimated number of students that the district or school is 33960
expected to serve. Any funds paid to districts or schools under 33961
this section shall be credited toward the annual funds calculated 33962
for the district or school after the changes made to Title XXXIII 33963
in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly are 33964
effective. Upon the effective date of changes made to Title XXXIII 33965
in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, funds 33966
shall be calculated as an annual amount. 33967

Sec. 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 33968
EXEMPTED VILLAGE SCHOOL DISTRICTS 33969

The Department of Education shall distribute funds within 33970
appropriation item 200550, Foundation Funding, for temporary 33971
transitional aid in each fiscal year to each qualifying city, 33972
local, and exempted village school district. 33973

(A) For fiscal years 2014 and 2015, the Department shall pay 33974
temporary transitional aid to each city, local, or exempted 33975
village school district that experiences any decrease in its state 33976
foundation funding for the current fiscal year from its 33977
transitional aid guarantee base. The amount of the temporary 33978
transitional aid payment shall equal the difference between its 33979
foundation funding for the current fiscal year and its 33980
transitional aid guarantee base. If the computation made under 33981
this division results in a negative number, the district's funding 33982
under this division shall be zero. 33983

(1) As used in this section, foundation funding for each 33984
city, local, and exempted village school district for a given 33985
fiscal year equals the sum of the amount calculated for the 33986
district under section 3317.022 of the Revised Code, as re-enacted 33987
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, and 33988

the amounts calculated for the district under divisions (G)(1) and 33989
(2) of section 3317.0212 of the Revised Code, as amended by ~~this~~ 33990
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for that 33991
fiscal year. 33992

(2) The transitional aid guarantee base for each city, local, 33993
and exempted village school district equals the sum of the amounts 33994
computed for the district for fiscal year 2013, under Sections 33995
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 33996
129th General Assembly. The Department of Education shall adjust, 33997
as necessary, the transitional aid guarantee base of any local 33998
school district that participates in the establishment of a joint 33999
vocational school district that begins receiving payments under 34000
section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. 34001
Sub. H.B. 59 of the 130th General Assembly, for fiscal year 2014 34002
or fiscal year 2015, but does not receive payments under Section 34003
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for 34004
fiscal year 2013. The Department shall adjust any such local 34005
school district's guarantee base according to the amounts received 34006
by the district in fiscal year 2013 for career-technical education 34007
students who attend the newly established joint vocational school 34008
district in fiscal year 2014 or fiscal year 2015. 34009

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 34010
as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 34011
Assembly, in fiscal year 2014, no city, local, or exempted village 34012
school district shall be allocated foundation funding that is 34013
greater than 1.0625 times the district's transitional aid 34014
guarantee base. 34015

(2) Notwithstanding section 3317.022 of the Revised Code, as 34016
re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 34017
Assembly, in fiscal year 2015, no city, local, or exempted village 34018
school district shall be allocated foundation funding that is 34019
greater than 1.105 times the district's fiscal year 2014 base, 34020

which is the amount computed for foundation funding for the 34021
district for fiscal year 2014 plus any amount calculated for 34022
temporary transitional aid for fiscal year 2014 under division (A) 34023
of this section and after any reductions made for fiscal year 2014 34024
under division (B)(1) of this section. The Department shall 34025
adjust, as necessary, the fiscal year 2014 base of any local 34026
school district that participates in the establishment of a joint 34027
vocational school district that begins receiving payments under 34028
section 3317.16 of the Revised Code for fiscal year 2015, but does 34029
not receive such payments for fiscal year 2014. The Department 34030
shall adjust any such local school district's fiscal year 2014 34031
base according to the amounts received by the district in fiscal 34032
year 2014 for career-technical education students who attend the 34033
newly established joint vocational school district in fiscal year 34034
2015. 34035

(3) The Department shall reduce a district's payments under 34036
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 34037
of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of 34038
the 130th General Assembly, and divisions (G)(1) and (2) of 34039
section 3317.0212 of the Revised Code, as amended by ~~this act~~ Am. 34040
Sub. H.B. 59 of the 130th General Assembly, proportionately as 34041
necessary in order to comply with this division. If those amounts 34042
are insufficient, the Department shall proportionately reduce a 34043
district's payments under divisions (A)(3), (8), and (9) of 34044
section 3317.022 of the Revised Code, as re-enacted by ~~this act~~ 34045
Am. Sub. H.B. 59 of the 130th General Assembly. 34046

Sec. 263.250. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL 34047
SCHOOL DISTRICTS 34048

The Department of Education shall distribute funds within 34049
appropriation item 200550, Foundation Funding, for temporary 34050
transitional aid in each fiscal year to each qualifying joint 34051

vocational school district. 34052

(A) For fiscal years 2014 and 2015, the Department shall pay 34053
temporary transitional aid to each joint vocational school 34054
district that experiences any decrease in its state core 34055
foundation funding under division (A) of section 3317.16 of the 34056
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 34057
130th General Assembly, for the current fiscal year from its 34058
transitional aid guarantee base. The amount of the temporary 34059
transitional aid payment shall equal the difference between the 34060
district's funding under division (A) of section 3317.16 of the 34061
Revised Code for the current fiscal year and its transitional aid 34062
guarantee base. If the computation made under this division 34063
results in a negative number, the district's funding under this 34064
division shall be zero. 34065

The transitional aid guarantee base for each joint vocational 34066
school district equals the amount computed for the district for 34067
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 34068
the 129th General Assembly. The Department of Education shall 34069
establish, as necessary, the transitional aid guarantee base of 34070
any joint vocational school district that begins receiving 34071
payments under section 3317.16 of the Revised Code, as re-enacted 34072
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for 34073
fiscal year 2014 or fiscal year 2015, but does not receive 34074
payments under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th 34075
General Assembly, for fiscal year 2013. The Department shall 34076
establish any such joint vocational school district's guarantee 34077
base as an amount equal to the absolute value of the sum of the 34078
associated adjustments of any local school districts' guarantee 34079
bases under Section 263.240 of ~~this act~~ Am. Sub. H.B. 59 of the 34080
130th General Assembly. 34081

(B)(1) Notwithstanding division (A) of section 3317.16 of the 34082
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 34083

130th General Assembly, in fiscal year 2014, no joint vocational school district shall be allocated state core foundation funding, as computed under division (A) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, that is greater than 1.0625 times the district's transitional aid guarantee base.

(2) Notwithstanding division (A) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, in fiscal year 2015, no joint vocational school district shall be allocated state core foundation funding, under division (A) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, that is greater than 1.105 times the district's fiscal year 2014 base, which is the amount computed for state core foundation funding for the district for fiscal year 2014 under division (A) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, plus any amount calculated for temporary transitional aid for fiscal year 2014 under division (A) of this section and after any reductions made for fiscal year 2014 under division (B)(1) of this section. The Department shall establish, as necessary, the fiscal year 2014 base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2015, but does not receive such payments for fiscal year 2014. The Department shall establish any such joint vocational school district's fiscal year 2014 base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's fiscal year 2014 base under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly.

(3) The Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised

Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th 34116
General Assembly, proportionately as necessary in order to comply 34117
with this division. If those amounts are insufficient, the 34118
Department shall proportionately reduce a district's payments 34119
under divisions (A)(2), (5), and (6) of section 3317.16 of the 34120
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 34121
130th General Assembly. 34122

Sec. 263.270. TEACHER CERTIFICATION AND LICENSURE 34123

The foregoing appropriation item 200681, Teacher 34124
Certification and Licensure, shall be used by the Department of 34125
Education in each year of the biennium to administer and support 34126
teacher certification and licensure activities. 34127

SCHOOL DISTRICT SOLVENCY ASSISTANCE 34128

(A) Of the foregoing appropriation item 200687, School 34129
District Solvency Assistance, \$20,000,000 in each fiscal year 34130
shall be allocated to the School District Shared Resource Account 34131
and \$5,000,000 in each fiscal year shall be allocated to the 34132
Catastrophic Expenditures Account. These funds shall be used to 34133
provide assistance and grants to school districts to enable them 34134
to remain solvent under section 3316.20 of the Revised Code. 34135
Assistance and grants shall be subject to approval by the 34136
Controlling Board. Except as provided under division (C) of this 34137
section, any required reimbursements from school districts for 34138
solvency assistance shall be made to the appropriate account in 34139
the School District Solvency Assistance Fund (Fund 5H30). 34140

(B) Notwithstanding any provision of law to the contrary, 34141
upon the request of the Superintendent of Public Instruction, the 34142
Director of Budget and Management may make transfers to the School 34143
District Solvency Assistance Fund (Fund 5H30) from any fund used 34144
by the Department of Education or the General Revenue Fund to 34145
maintain sufficient cash balances in Fund 5H30 in fiscal years 34146

2014 and 2015. Any cash transferred is hereby appropriated. The 34147
transferred cash may be used by the Department of Education to 34148
provide assistance and grants to school districts to enable them 34149
to remain solvent and to pay unforeseeable expenses of a temporary 34150
or emergency nature that the school district is unable to pay from 34151
existing resources. The Director of Budget and Management shall 34152
notify the members of the Controlling Board of any such transfers. 34153

(C) If the cash balance of the School District Solvency 34154
Assistance Fund (Fund 5H30) is insufficient to pay solvency 34155
assistance in fiscal years 2014 and 2015, at the request of the 34156
Superintendent of Public Instruction, and with the approval of the 34157
Controlling Board, the Director of Budget and Management may 34158
transfer cash from the Lottery Profits Education Reserve Fund 34159
(Fund 7018) to Fund 5H30 to provide assistance and grants to 34160
school districts to enable them to remain solvent and to pay 34161
unforeseeable expenses of a temporary nature that they are unable 34162
to pay from existing resources under section 3316.20 of the 34163
Revised Code. Such transfers are hereby appropriated to 34164
appropriation item 200670, School District Solvency Assistance - 34165
Lottery. Any required reimbursements from school districts for 34166
solvency assistance granted from appropriation item 200670, School 34167
District Solvency Assistance - Lottery, shall be made to Fund 34168
7018. 34169

ADULT CAREER OPPORTUNITY PILOT PROGRAM 34170

The foregoing appropriation item 200654, Adult Career 34171
Opportunity Pilot Program, shall be used by the Superintendent of 34172
Public Instruction to award and administer planning grants for the 34173
Adult Career Opportunity Pilot Program established in section 34174
3313.902 of the Revised Code. The Superintendent may award grants 34175
of up to \$500,000 to not more than five eligible institutions. The 34176
grants shall be used by selected eligible institutions to build 34177
capacity to implement the program beginning in the 2015-2016 34178

academic year. 34179

The Superintendent of Public Instruction and the Chancellor, 34180
or their designees, shall develop an application process to award 34181
these grants to eligible institutions geographically dispersed 34182
across the state. Any remaining appropriation after providing 34183
grants to eligible institutions may be used to provide technical 34184
assistance to eligible institutions receiving the grant. 34185

The Superintendent, in consultation with the Chancellor, the 34186
Governor's Office of Workforce Transformation, the Ohio 34187
Association of Community Colleges, Ohio Technical Centers, Adult 34188
Basic and Literacy Education programs, and other interested 34189
parties as deemed necessary, or their designees, shall develop 34190
recommendations for the method of funding and other associated 34191
requirements for the Adult Career Opportunity Pilot Program. The 34192
Superintendent shall provide a report of the recommendations to 34193
the Governor, the President of the Senate, and the Speaker of the 34194
House of Representatives by December 31, 2014. 34195

As used in this section, "eligible institution" has the same 34196
meaning as in section 3313.902 of the Revised Code. 34197

Sec. 263.320. LOTTERY PROFITS EDUCATION FUND 34198

Appropriation item 200612, Foundation Funding (Fund 7017), 34199
shall be used in conjunction with appropriation item 200550, 34200
Foundation Funding (GRF), to provide state foundation payments to 34201
school districts. 34202

The Department of Education, with the approval of the 34203
Director of Budget and Management, shall determine the monthly 34204
distribution schedules of appropriation item 200550, Foundation 34205
Funding (GRF), and appropriation item 200612, Foundation Funding 34206
(Fund 7017). If adjustments to the monthly distribution schedule 34207
are necessary, the Department of Education shall make such 34208

adjustments with the approval of the Director of Budget and Management. 34209
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CAREER ADVISING AND MENTORING PROGRAM 34211

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. 34212
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STRAIGHT A FUND 34227

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. 34228
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Of the foregoing appropriation item 200648, Straight A Fund, up to \$250,000 in each fiscal year may be used to make competitive grants in accordance with Section 263.324 of this act. 34236
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Of the foregoing appropriation item 200648, Straight A Fund, 34239

up to \$6,000,000 in fiscal year 2014 shall be distributed to the 34240
Cleveland Municipal School District to be used, as determined by 34241
the Department of Education, to implement provisions of Am. Sub. 34242
H.B. 525 of the 129th General Assembly. 34243

Of the foregoing appropriation item 200648, Straight A Fund, 34244
up to \$5,000,000 in each fiscal year shall be provided to school 34245
districts that meet the conditions prescribed in division (G)(3) 34246
of section 3317.0212 of the Revised Code to support innovations 34247
that improve the efficiency of pupil transportation. This may 34248
include, but is not limited to, the purchase of buses and other 34249
equipment. The Department of Education shall distribute these 34250
funds to districts based on each district's qualifying ridership 34251
as reported under division (B) of section 3317.0212 of the Revised 34252
Code. 34253

The remainder of appropriation item 200648, Straight A Fund, 34254
shall be used to make competitive grants in accordance with 34255
Section 263.325 of this act. 34256

EDCHOICE EXPANSION 34257

The foregoing appropriation item 200666, EdChoice Expansion, 34258
shall be used as follows: 34259

(A) In fiscal year 2014, notwithstanding section 3310.032 of 34260
the Revised Code, the Department of Education shall administer an 34261
expansion of the Educational Choice Scholarship program as 34262
follows: 34263

(1) A student is an "eligible student" for purposes of the 34264
expansion of the Educational Choice Scholarship Pilot Program 34265
under division (A) of this section if the student's resident 34266
district is not a school district in which the pilot project 34267
scholarship program is operating under sections 3313.974 to 34268
3313.979 of the Revised Code and the student's family income is at 34269
or below two hundred per cent of the federal poverty guidelines, 34270

as defined in section 5101.46 of the Revised Code. 34271

(2) The Department shall pay scholarships to attend chartered 34272
nonpublic schools in accordance with section 3310.08 of the 34273
Revised Code. The number of scholarships awarded under division 34274
(A) of this section shall not exceed the number that can be funded 34275
with appropriations made by the general assembly for this purpose. 34276

(3) Scholarships under division (A) of this section shall be 34277
awarded for the 2013-2014 school year, to eligible students who 34278
are entering kindergarten in that school year for the first time. 34279

(4) If the number of eligible students who apply for a 34280
scholarship exceeds the scholarships available based on the 34281
appropriation for division (A) of this section, the department 34282
shall award scholarships in the following order of priority: 34283

(a) First, to eligible students with family incomes at or 34284
below one hundred per cent of the federal poverty guidelines. 34285

(b) Second, to other eligible students who qualify under 34286
division (A) of this section. If the number of students described 34287
in division (A)(4)(b) of this section exceeds the number of 34288
available scholarships after awards are made under division 34289
(A)(4)(a) of this section, the department shall select students 34290
described in division (A)(4)(b) of this section by lot to receive 34291
any remaining scholarships. 34292

(5) A student who receives a scholarship under division (A) 34293
of this section remains an eligible student and may continue to 34294
receive scholarships under section 3310.032 of the Revised Code in 34295
subsequent school years until the student completes grade twelve, 34296
so long as the student satisfies the conditions specified in 34297
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 34298

Once a scholarship is awarded under this section, the student 34299
shall remain eligible for that scholarship for the current and 34300
subsequent school years, even if the student's family income rises 34301

above the amount specified in division (A) of section 3310.032 of 34302
the Revised Code, provided the student remains enrolled in a 34303
chartered nonpublic school. 34304

(B) In fiscal year 2015, to provide for the scholarships 34305
awarded under the expansion of the educational choice program 34306
established under section 3310.032 of the Revised Code. The number 34307
of scholarships awarded under the expansion of the educational 34308
choice program shall not exceed the number that can be funded with 34309
the appropriations made by the General Assembly for this purpose. 34310

COMMUNITY SCHOOL FACILITIES 34311

The foregoing appropriation item 200684, Community School 34312
Facilities, shall be used to pay each community school established 34313
under Chapter 3314. of the Revised Code that is not an internet- 34314
or computer-based community school and each STEM school 34315
established under Chapter 3326. of the Revised Code an amount 34316
equal to \$100 for each full-time equivalent pupil for assistance 34317
with the cost associated with facilities. If the amount 34318
appropriated is not sufficient, the Department of Education shall 34319
prorate the amounts so that the aggregate amount appropriated is 34320
not exceeded. 34321

Sec. 263.325. (A) The Straight A Program is hereby created 34322
for fiscal years 2014 and 2015 to provide grants to city, local, 34323
exempted village, and joint vocational school districts, 34324
educational service centers, community schools established under 34325
Chapter 3314., STEM schools established under Chapter 3326., 34326
college-preparatory boarding schools established under Chapter 34327
3328. of the Revised Code, individual school buildings, education 34328
consortia (which may represent a partnership among school 34329
districts, school buildings, community schools, or STEM schools), 34330
institutions of higher education, and private entities partnering 34331
with one or more of the educational entities identified in this 34332

division for projects that aim to achieve significant advancement	34333
in one or more of the following goals:	34334
(1) Student achievement;	34335
(2) Spending reduction in the five-year fiscal forecast required under section 5705.391 of the Revised Code;	34336 34337
(3) Utilization of a greater share of resources in the classroom.	34338 34339
(B)(1) Grants shall be awarded by a nine-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, four members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.	34340 34341 34342 34343 34344 34345 34346 34347
(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.	34348 34349 34350 34351
(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.	34352 34353 34354 34355 34356 34357
(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.	34358 34359 34360
(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant	34361 34362

applications received under this section. 34363

(C) Each grant applicant shall submit a proposal that 34364
includes all of the following: 34365

(1) A description of the project for which the applicant is 34366
seeking a grant, including a description of how the project will 34367
have substantial value and lasting impact; 34368

(2) An explanation of how the project will be 34369
self-sustaining. If the project will result in increased ongoing 34370
spending, the applicant shall show how the spending will be offset 34371
by verifiable, credible, permanent spending reductions. 34372

(3) A description of quantifiable results of the project that 34373
can be benchmarked. 34374

If an education consortia described in division (A) of this 34375
section applies for a grant, the lead applicant shall be the 34376
school district, school building, community school, or STEM school 34377
that is a member of the consortia and shall so indicate on the 34378
grant application. 34379

(D)(1) Within seventy-five days after receiving a grant 34380
application, the board shall issue a decision on the application 34381
of "yes," "no," "hold," or "edit." In making its decision, the 34382
board shall consider whether the project has the capability of 34383
being replicated in other school districts and schools or creates 34384
something that can be used in other districts and schools. A grant 34385
awarded under this section to a school district, educational 34386
service center, community school, STEM school, college-preparatory 34387
boarding school, individual school building, institution of higher 34388
education, or private entity partnering with one or more of the 34389
educational entities identified in division (A) of this section 34390
shall not exceed \$5,000,000 in each fiscal year. A grant awarded 34391
to an education consortia shall not exceed \$15,000,000 in each 34392
fiscal year. The Superintendent of Public Instruction may make 34393

recommendations to the Controlling Board that these maximum 34394
amounts be exceeded. Upon Controlling Board approval, grants may 34395
be awarded in excess of these amounts. 34396

(2) If the board issues a "hold" or "edit" decision for an 34397
application, it shall, upon returning the application to the 34398
applicant, specify the process for reconsideration of the 34399
application. An applicant may work with the grant advisors and 34400
staff to modify or improve a grant application. 34401

(E) Upon deciding to award a grant to an applicant, the board 34402
shall enter into a grant agreement with the applicant that 34403
includes all of the following: 34404

(1) The content of the applicant's proposal as outlined under 34405
division (C) of this section; 34406

(2) The project's deliverables and a timetable for their 34407
completion; 34408

(3) Conditions for receiving grant funding; 34409

(4) Conditions for receiving funding in future years if the 34410
contract is a multi-year contract; 34411

(5) A provision specifying that funding will be returned to 34412
the board if the applicant fails to implement the agreement, as 34413
determined by the Auditor of State. 34414

(6) A provision specifying that the agreement may be amended 34415
by mutual agreement between the board and the applicant. 34416

(F) An advisory committee for the Straight A Program is 34417
hereby established. The committee shall consist of not more than 34418
eleven members appointed by the Governor that represent all areas 34419
of the state and different interests. The committee shall annually 34420
review the Straight A Program and provide strategic advice to the 34421
governing board and the Director of the Governor's Office of 21st 34422
Century Education. 34423

(G) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement. 34424
34425
34426

(H) Notwithstanding Section 503.50 of Am. Sub. H.B. 59 of the 130th General Assembly, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Straight A Fund governing board. 34427
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Sec. 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY 34433

General Revenue Fund 34434

GRF 715502	Auto Emissions	\$	10,923,093	\$	10,923,093	34435
	e-Check Program					

TOTAL GRF General Revenue Fund	\$	10,923,093	\$	10,923,093	34436
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General Services Fund Group 34437

1990 715602	Laboratory Services	\$	252,153	\$	326,029	34438
2190 715604	Central Support	\$	10,255,680	\$	10,255,680	34439

Indirect

4A10 715640	Operating Expenses	\$	2,600,000	\$	2,602,000	34440
4D50 715618	Recycled State	\$	50,000	\$	50,000	34441

Materials

TOTAL GSF General Services						34442
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Fund Group	\$	13,157,833	\$	13,233,709	34443
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Federal Special Revenue Fund Group 34444

3530 715612	Public Water Supply	\$	2,562,578	\$	2,474,605	34445
3540 715614	Hazardous Waste	\$	4,088,383	\$	4,088,383	34446

Management - Federal

3570 715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	34447
	- Federal					

3620 715605	Underground Injection	\$	111,874	\$	111,874	34448
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		Control - Federal					
3BU0	715684	Water Quality	\$	16,205,000	\$	15,280,000	34449
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	34450
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	832,543	\$	1,114,543	34451
		Operating					
3F30	715632	Federally Supported	\$	3,012,021	\$	3,012,991	34452
		Cleanup and Response					
3FH0	715693	Diesel Emission	\$	10,000,000	\$	10,000,000	34453
		Reduction Grants				<u>2,500,000</u>	
3T30	715669	Drinking Water State	\$	2,609,198	\$	2,824,076	34454
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	34455
TOTAL FED		Federal Special Revenue					34456
Fund Group			\$	46,531,800	\$	46,016,675	34457
						<u>38,516,675</u>	
		State Special Revenue Fund Group					34458
4J00	715638	Underground Injection	\$	389,126	\$	402,697	34459
		Control					
4K20	715648	Clean Air - Non Title	\$	3,165,400	\$	3,237,450	34460
		V					
4K30	715649	Solid Waste	\$	15,685,342	\$	16,330,873	34461
4K40	715650	Surface Water	\$	6,993,800	\$	7,688,800	34462
		Protection					
4K40	715686	Environmental	\$	2,096,007	\$	2,096,007	34463
		Laboratory Services					
4K50	715651	Drinking Water	\$	6,316,772	\$	6,476,011	34464
		Protection					
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	34465
4R50	715656	Scrap Tire Management	\$	1,059,378	\$	1,070,532	34466
4R90	715658	Voluntary Action	\$	916,690	\$	945,195	34467
		Program					

4T30	715659	Clean Air - Title V Permit Program	\$	14,528,885	\$	15,080,366	34468
4U70	715660	Construction and Demolition Debris	\$	335,000	\$	335,000	34469
5000	715608	Immediate Removal Special Account	\$	660,033	\$	660,293	34470
5030	715621	Hazardous Waste Facility Management	\$	7,615,403	\$	8,224,041	34471
5050	715623	Hazardous Waste Cleanup	\$	14,528,609	\$	14,933,345	34472
5050	715674	Clean Ohio Environmental Review	\$	108,104	\$	108,104	34473
5320	715646	Recycling and Litter Control	\$	4,514,500	\$	4,535,500	34474
5410	715670	Site Specific Cleanup	\$	1,548,101	\$	1,548,101	34475
5420	715671	Risk Management Reporting	\$	208,936	\$	214,826	34476
5860	715637	Scrap Tire Market Development	\$	1,497,645	\$	1,497,645	34477
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455	34478
5BC0	715622	Local Air Pollution Control	\$	2,297,980	\$	2,297,980	34479
5BC0	715624	Surface Water	\$	9,614,974	\$	9,614,974	34480
5BC0	715672	Air Pollution Control	\$	5,684,758	\$	5,684,758	34481
5BC0	715673	Drinking and Ground Water	\$	4,863,521	\$	4,863,521	34482
5BC0	715676	Assistance and Prevention	\$	695,069	\$	695,069	34483
5BC0	715677	Laboratory	\$	1,358,586	\$	1,558,586	34484
5BC0	715678	Corrective Actions	\$	705,423	\$	705,423	34485
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	34486
5BC0	715692	Administration	\$	10,582,627	\$	10,582,627	34487

5BC0	715694	Environmental Resource Coordination	\$	170,000	\$	170,000	34488
5BT0	715679	C&DD Groundwater Monitoring	\$	203,800	\$	203,800	34489
5CD0	715682	Clean Diesel School Buses	\$	475,000	\$	475,000	34490
5H40	715664	Groundwater Support	\$	128,212	\$	223,212	34491
5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	34492
6440	715631	Emergency Response Radiological Safety	\$	284,266	\$	290,674	34493
6600	715629	Infectious Waste Management	\$	88,764	\$	88,764	34494
6760	715642	Water Pollution Control Loan Administration	\$	3,921,605	\$	3,921,605	34495
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	34496
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	34497
6960	715643	Air Pollution Control Administration	\$	1,100,000	\$	1,125,000	34498
6990	715644	Water Pollution Control Administration	\$	345,000	\$	345,000	34499
6A10	715645	Environmental Education	\$	1,350,000	\$	1,350,000	34500
TOTAL SSR		State Special Revenue	\$	131,755,659	\$	135,299,122	34501
Fund Group							
Clean Ohio Conservation Fund Group							34502
5S10	715607	Clean Ohio - Operating	\$	284,124	\$	284,124	34503
TOTAL CLF		Clean Ohio Conservation	\$	284,124	\$	284,124	34504
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	202,652,509	\$	205,756,723 <u>198,256,723</u>	34505

AREAWIDE PLANNING AGENCIES					34506
The Director of Environmental Protection Agency may award					34507
grants from appropriation item 715687, Areawide Planning Agencies,					34508
to areawide planning agencies engaged in areawide water quality					34509
management and planning activities in accordance with Section 208					34510
of the "Federal Clean Water Act," 33 U.S.C. 1288.					34511
CASH TRANSFERS					34512
On July 1, 2013, or as soon as possible thereafter, the					34513
Director of Budget and Management may transfer up to \$11,400,000					34514
cash from the Hazardous Waste Management Fund (Fund 5030) to the					34515
Hazardous Waste Cleanup Fund (Fund 5050) to support closure and					34516
corrective action programs that were transferred to the Division					34517
of Environmental Response and Revitalization.					34518
On July 1, 2013, or as soon as possible thereafter, the					34519
Director of Environmental Protection shall certify to the Director					34520
of Budget and Management the cash balance in the Dredge and Fill					34521
Fund (Fund 5N20). The Director of Budget and Management shall					34522
transfer the certified amount from Fund 5N20 to the Surface Water					34523
Protection Fund (Fund 4K40). Any existing encumbrances against					34524
appropriation item 715613, Dredge and Fill, shall be canceled and					34525
reestablished against appropriation item 715650, Surface Water					34526
Protection. The reestablished encumbrance amounts are hereby					34527
appropriated and Fund 5N20 is abolished.					34528
Sec. 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION					34529
General Revenue Fund					34530
GRF 230401 Lease Rental Payments \$ 33,106,400 \$ 29,854,500					34531
- Cultural Facilities					
GRF 230458 State Construction \$ 2,495,751 \$ 2,245,751					34532
Management Services					
GRF 230908 Common Schools \$ 351,806,100 \$ 377,364,700					34533

General Obligation		<u>332,506,100</u>		<u>358,364,700</u>	
Debt Service					
TOTAL GRF General Revenue Fund	\$	387,408,251	\$	409,464,951	34534
		<u>368,108,251</u>		<u>390,464,951</u>	
General Services Fund Group					34535
1310 230639 State Construction	\$	9,463,342	\$	9,463,342	34536
Management Operations					
TOTAL GSF General Services Fund	\$	9,463,342	\$	9,463,342	34537
Group					
State Special Revenue Fund Group					34538
4T80 230603 Community Project	\$	200,000	\$	200,000	34539
Administration					
5E30 230644 Operating Expenses	\$	8,550,000	\$	8,550,000	34540
TOTAL SSR State Special Revenue					34541
Fund Group	\$	8,750,000	\$	8,750,000	34542
TOTAL ALL BUDGET FUND GROUPS	\$	405,621,593	\$	427,678,293	34543
		<u>386,321,593</u>		<u>408,678,293</u>	

Sec. 282.30. COMMUNITY PROJECT ADMINISTRATION 34545

The foregoing appropriation item 230603, Community Project 34546
Administration, shall be used by the Ohio Facilities Construction 34547
Commission in administering Cultural and Sports Facilities 34548
Building Fund (Fund 7030) projects pursuant to section 123.201 of 34549
the Revised Code. 34550

TRANSFERS TO CULTURAL FACILITIES ADMINISTRATION FUND 34551

By the tenth day following each calendar quarter in each 34552
fiscal year, or as soon as possible thereafter, the Director of 34553
Budget and Management shall determine the amount of cash, if any, 34554
to be transferred from the Cultural and Sports Facilities Building 34555
Fund (Fund 7030) to the Cultural Facilities Administration Fund 34556
(Fund 4T80). 34557

As soon as possible after each bond issuance made on behalf of the Facilities Construction Commission, the Director of Budget and Management shall determine the amount of cash, if any, from the bond proceeds to be transferred, after all issuance costs have been paid, from Fund 7030 to Fund 4T80.

Sec. 285.10. DOH DEPARTMENT OF HEALTH				34563
General Revenue Fund				34564
GRF 440412	Cancer Incidence	\$ 600,000	\$ 600,000	34565
	Surveillance System			
GRF 440413	Local Health	\$ 823,061	\$ 823,061	34566
	Departments			
GRF 440416	Mothers and Children	\$ 4,428,015	\$ 4,428,015	34567
	Safety Net Services			
GRF 440418	Immunizations	\$ 8,825,829	\$ 8,825,829	34568
GRF 440431	Free Clinics Safety	\$ 437,326	\$ 437,326	34569
	Net Services			
GRF 440438	Breast and Cervical	\$ 823,217	\$ 823,217	34570
	Cancer Screening			
GRF 440444	AIDS Prevention and	\$ 5,842,315	\$ 5,842,315	34571
	Treatment			
GRF 440451	Public Health	\$ 3,655,449	\$ 3,655,449	34572
	Laboratory		<u>4,305,449</u>	
GRF 440452	Child and Family	\$ 630,444	\$ 630,444	34573
	Health Services Match			
GRF 440453	Health Care Quality	\$ 4,874,361	\$ 4,874,361	34574
	Assurance			
GRF 440454	Environmental Health	\$ 1,194,634	\$ 1,194,634	34575
GRF 440459	Help Me Grow	\$ 33,673,987	\$ 33,673,987	34576
GRF 440465	Federally Qualified	\$ 2,686,688	\$ 2,686,688	34577
	Health Centers			
GRF 440467	Access to Dental Care	\$ 540,484	\$ 540,484	34578

GRF 440468	Chronic Disease and Injury Prevention	\$	2,447,251	\$	2,447,251	34579
GRF 440472	Alcohol Testing	\$	1,100,000	\$	1,100,000	34580
GRF 440473	Tobacco Prevention and Cessation	\$	1,050,000	\$	1,050,000	34581
GRF 440474	Infant Vitality	\$	3,116,688	\$	3,116,688	34582
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	34583
GRF 440507	Targeted Health Care Services Over 21	\$	1,045,414	\$	1,045,414	34584
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,300,000	\$	3,300,000	34585
TOTAL GRF General Revenue Fund		\$	88,607,614	\$	88,607,614 <u>89,257,614</u>	34586
State Highway Safety Fund Group						34587
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	34588
TOTAL HSF State Highway Safety Fund Group						34589
		\$	233,894	\$	233,894	34590
General Services Fund Group						34591
1420 440646	Agency Health Services	\$	820,998	\$	820,998	34592
2110 440613	Central Support Indirect Costs	\$	30,615,591	\$	31,052,469 <u>30,052,469</u>	34593
4730 440622	Lab Operating Expenses	\$	5,000,000	\$	5,000,000	34594
6980 440634	Nurse Aide Training	\$	99,265	\$	99,265	34595
TOTAL GSF General Services Fund Group						34596
		\$	36,535,854	\$	36,972,732 <u>35,972,732</u>	34597
Federal Special Revenue Fund Group						34598
3200 440601	Maternal Child Health Block Grant	\$	23,889,057	\$	23,889,057	34599

3870	440602	Preventive Health Block Grant	\$	6,000,000	\$	6,000,000	34600
3890	440604	Women, Infants, and Children	\$	250,000,000	\$	250,000,000	34601
3910	440606	Medicare Survey and Certification	\$	19,449,282	\$	19,961,405	34602
3920	440618	Federal Public Health Programs	\$	134,546,304	\$	135,140,586	34603
3GD0	654601	Medicaid Program Support	\$	21,126,014	\$	22,392,094	34604
TOTAL FED Federal Special Revenue							34605
Fund Group			\$	455,010,657	\$	457,383,142	34606
State Special Revenue Fund Group							34607
4700	440647	Fee Supported Programs	\$	25,305,250	\$	25,613,586	34608
4710	440619	Certificate of Need	\$	878,433	\$	878,433	34609
4770	440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703	34610
4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039	34611
4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	34612
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	34613
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	34614
4L30	440609	HIV Care and Miscellaneous Expenses	\$	8,333,164	\$	8,333,164	34615
4P40	440628	Ohio Physician Loan Repayment	\$	476,870	\$	476,870	34616
4V60	440641	Save Our Sight	\$	2,255,789	\$	2,255,789	34617
5B50	440616	Quality, Monitoring, and Inspection	\$	878,997	\$	878,997	34618

5CN0	440645	Choose Life	\$	75,000	\$	75,000	34619
5D60	440620	Second Chance Trust	\$	1,151,902	\$	1,151,902	34620
5ED0	440651	Smoke Free Indoor Air	\$	250,000	\$	250,000	34621
5G40	440639	Adoption Services	\$	20,000	\$	20,000	34622
<u>5PE0</u>	<u>440659</u>	<u>Breast and Cervical</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>100,000</u>	34623
		<u>Cancer Services</u>					
5Z70	440624	Ohio Dentist Loan	\$	140,000	\$	140,000	34624
		Repayment					
6100	440626	Radiation Emergency	\$	1,049,954	\$	1,086,098	34625
		Response					
6660	440607	Medically Handicapped	\$	19,739,617	\$	19,739,617	34626
		Children - County					
		Assessments					
TOTAL SSR State Special Revenue							34627
Fund Group			\$	68,601,542	\$	68,946,022	34628
							<u>69,046,022</u>
Holding Account Redistribution Fund Group							34629
R014	440631	Vital Statistics	\$	44,986	\$	44,986	34630
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	34631
		Reconciliation, and					
		Audit Settlements					
TOTAL 090 Holding Account							34632
Redistribution Fund Group			\$	64,986	\$	64,986	34633
Tobacco Master Settlement Agreement Fund Group							34634
5BX0	440656	Tobacco Use	\$	1,450,000	\$	1,450,000	34635
		Prevention				<u>6,350,000</u>	
TOTAL TSF Tobacco Master Settlement			\$	1,450,000	\$	1,450,000	34636
Agreement Fund Group						<u>6,350,000</u>	
TOTAL ALL BUDGET FUND GROUPS			\$	650,504,547	\$	653,658,390	34637
							<u>658,308,390</u>

Sec. 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES

34639

Of the foregoing appropriation item 440416, Mothers and 34640
Children Safety Net Services, \$200,000 in each fiscal year shall 34641
be used to assist families with hearing impaired children under 34642
twenty-one years of age in purchasing hearing aids. The Director 34643
of Health shall adopt rules governing the distribution of these 34644
funds, including rules that do both of the following: (1) 34645
establish eligibility criteria to include families with incomes at 34646
or below four hundred per cent of the federal poverty guidelines 34647
as defined in section 5101.46 of the Revised Code, and (2) develop 34648
a sliding scale of disbursements under this section based on 34649
family income. The Director may adopt other rules as necessary to 34650
implement this section. Rules adopted under this section shall be 34651
adopted in accordance with Chapter 119. of the Revised Code. 34652

The Department shall disburse all of the funds appropriated 34653
under this section. 34654

HIV/AIDS PREVENTION/TREATMENT 34655

The foregoing appropriation item 440444, AIDS Prevention and 34656
Treatment, shall be used to assist persons with HIV/AIDS in 34657
acquiring HIV-related medications and to administer educational 34658
prevention initiatives. 34659

PUBLIC HEALTH LABORATORY 34660

A portion of the foregoing appropriation item 440451, Public 34661
Health Laboratory, shall be used for coordination and management 34662
of prevention program operations and the purchase of drugs for 34663
sexually transmitted diseases. 34664

HELP ME GROW 34665

The foregoing appropriation item 440459, Help Me Grow, shall 34666
be used by the Department of Health to implement the Help Me Grow 34667
Program. Funds shall be distributed to counties through 34668
agreements, contracts, grants, or subsidies in accordance with 34669
section 3701.61 of the Revised Code. Appropriation item 440459, 34670

Help Me Grow, may be used in conjunction with other early 34671
childhood funds and services to promote the optimal development of 34672
young children and family-centered programs and services that 34673
acknowledge and support the social, emotional, cognitive, 34674
intellectual, and physical development of children and the vital 34675
role of families in ensuring the well-being and success of 34676
children. The Department of Health shall enter into interagency 34677
agreements with the Department of Education, Department of 34678
Developmental Disabilities, Department of Job and Family Services, 34679
and Department of Mental Health and Addiction Services to ensure 34680
that all early childhood programs and initiatives are coordinated 34681
and school linked. 34682

The foregoing appropriation item 440459, Help Me Grow, may 34683
also be used for the Developmental Autism and Screening Program. 34684

INFANT VITALITY 34685

The foregoing appropriation item 440474, Infant Vitality, 34686
shall be used to fund the following projects, which are hereby 34687
created: 34688

(A) The Infant Safe Sleep Campaign to educate parents and 34689
caregivers with a uniform message regarding safe sleep 34690
environments; 34691

(B) The Progesterone Prematurity Prevention Project to enable 34692
prenatal care providers to identify, screen, treat, and track 34693
outcomes for women eligible for progesterone supplementation; and 34694

(C) The Prenatal Smoking Cessation Project to enable prenatal 34695
care providers who work with women of reproductive age, including 34696
pregnant women, to have the tools, training, and technical 34697
assistance needed to treat smokers effectively. 34698

TARGETED HEALTH CARE SERVICES OVER 21 34699

The foregoing appropriation item 440507, Targeted Health Care 34700

Services Over 21, shall be used to administer the Cystic Fibrosis 34701
Program and to implement the Hemophilia Insurance Premium Payment 34702
Program. 34703

The foregoing appropriation item 440507, Targeted Health Care 34704
Services Over 21, shall also be used to provide essential 34705
medications and to pay the copayments for drugs approved by the 34706
Department of Health and covered by Medicare Part D that are 34707
dispensed to Bureau for Children with Medical Handicaps (BCMH) 34708
participants for the Cystic Fibrosis Program. 34709

The Department shall expend all of these funds. 34710

CASH TRANSFERS TO THE MEDICAID FUND 34711

On July 1, 2013, or as soon as possible thereafter, the 34712
Director of Health shall certify to the Director of Budget and 34713
Management the cash balance relating to Medicaid restructuring in 34714
the following funds, all used by the Department of Health: the 34715
General Operations Fund (Fund 4700); the General Operations Fund 34716
(Fund 1420); the General Operations Fund (Fund 3920); and the 34717
Medicaid/Medicare Fund (Fund 3910). Upon receiving this 34718
certification, the Director of Budget and Management may transfer 34719
the amount certified to the Medicaid Fund (Fund 3GD0), used by the 34720
Department of Health. If this transfer occurs, the Director of 34721
Budget and Management shall cancel any existing encumbrances 34722
pertaining to Medicaid in appropriation items 440647, Fee 34723
Supported Programs, 440646, Agency Health Services, 440618, 34724
Federal Public Health Programs, and 440606, Medicare Survey and 34725
Certification, and reestablish them against appropriation item 34726
654601, Medicaid Program Support. The reestablished encumbrance 34727
amounts are hereby appropriated. 34728

GENETICS SERVICES 34729

The foregoing appropriation item 440608, Genetics Services 34730
(Fund 4D60), shall be used by the Department of Health to 34731

administer programs authorized by sections 3701.501 and 3701.502 34732
of the Revised Code. None of these funds shall be used to counsel 34733
or refer for abortion, except in the case of a medical emergency. 34734

MEDICALLY HANDICAPPED CHILDREN AUDIT 34735

The Medically Handicapped Children Audit Fund (Fund 4770) 34736
shall receive revenue from audits of hospitals and recoveries from 34737
third-party payers. Moneys may be expended for payment of audit 34738
settlements and for costs directly related to obtaining recoveries 34739
from third-party payers and for encouraging Medically Handicapped 34740
Children's Program recipients to apply for third-party benefits. 34741
Moneys also may be expended for payments for diagnostic and 34742
treatment services on behalf of medically handicapped children, as 34743
defined in division (A) of section 3701.022 of the Revised Code, 34744
and Ohio residents who are twenty-one or more years of age and who 34745
are suffering from cystic fibrosis or hemophilia. Moneys may also 34746
be expended for administrative expenses incurred in operating the 34747
Medically Handicapped Children's Program. 34748

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 34749

The foregoing appropriation item 440607, Medically 34750
Handicapped Children - County Assessments (Fund 6660), shall be 34751
used to make payments under division (E) of section 3701.023 of 34752
the Revised Code. 34753

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 34754
THE TOBACCO USE PREVENTION FUND 34755

On July 1, 2013, or as soon as possible thereafter, the 34756
Director of Budget and Management shall transfer \$2,439,230 cash 34757
from the Public Health Priorities Trust Fund (Fund L087) to the 34758
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 34759
needs of the Department of Health's tobacco enforcement and 34760
cessation efforts. 34761

CASH TRANSFER FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 34762

<u>FUND TO THE TOBACCO USE PREVENTION FUND</u>				34763
<u>Notwithstanding Section 512.20 of Am. Sub. H.B. 487 of the</u>				34764
<u>129th General Assembly, on July 1, 2014, or as soon as possible</u>				34765
<u>thereafter, the Director of Budget and Management may transfer</u>				34766
<u>cash determined to be in excess of the tobacco enforcement needs</u>				34767
<u>of the Attorney General from the Pre-Securitization Tobacco</u>				34768
<u>Payments Fund (Fund 5LS0) to the Tobacco Use Prevention Fund (Fund</u>				34769
<u>5BX0).</u>				34770
 Sec. 301.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				34771
General Revenue Fund				34772
GRF 600321	Program Support	\$ 31,320,964	\$ 31,109,751	34773
GRF 600410	TANF State/Maintenance of Effort	\$ 152,386,934	\$ 152,386,934	34774
GRF 600413	Child Care State/Maintenance of Effort	\$ 84,732,730	\$ 84,732,730	34775
GRF 600416	Information Technology Projects	\$ 54,223,871	\$ 54,184,700	34776
GRF 600420	Child Support Programs	\$ 6,498,667	\$ 6,591,048	34777
GRF 600421	Family Assistance Programs	\$ 3,161,930	\$ 3,161,930	34778
GRF 600423	Families and Children Programs	\$ 6,384,514	\$ 6,542,517	34779
GRF 600502	Child Support - Local	\$ 23,814,103	\$ 23,814,103	34780
GRF 600511	Disability Financial Assistance	\$ 22,000,000	\$ 22,000,000	34781
GRF 600521	Family Assistance - Local	\$ 41,132,751	\$ 41,132,751	34782
GRF 600523	Family and Children Services	\$ 54,255,323	54,255,323 57,455,323	34783
GRF 600528	Adoption Services			34784

	State	\$	28,623,389	\$	28,623,389	34785
	Federal	\$	38,202,557	\$	38,202,557	34786
	Adoption Services Total	\$	66,825,946	\$	66,825,946	34787
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	13,500,000	\$	13,500,000	34788
GRF 600534	Adult Protective Services	\$	500,000	\$	500,000	34789
GRF 600535	Early Care and Education	\$	123,596,474	\$	123,596,474 <u>139,596,474</u>	34790
GRF 600540	Food Banks	\$	6,000,000	\$	6,000,000	34791
GRF 600541	Kinship Permanency Incentive Program	\$	3,500,000	\$	3,500,000	34792
GRF 655522	Medicaid Program Support - Local	\$	38,267,970	\$	38,267,970	34793
GRF 655523	Medicaid Program Support - Local Transportation	\$	30,680,495	\$	30,680,495	34794
TOTAL GRF	General Revenue Fund					34795
	State	\$	724,580,115	\$	724,580,115 <u>743,780,115</u>	34796
	Federal	\$	38,202,557	\$	38,202,557	34797
	GRF Total	\$	762,782,672	\$	762,782,672 <u>781,982,672</u>	34798
	General Services Fund Group					34799
4A80 600658	Public Assistance Activities	\$	34,000,000	\$	34,000,000	34800
5DM0 600633	Administration & Operating	\$	19,660,339	\$	19,660,339	34801
5HC0 600695	Unemployment Compensation Interest	\$	60,000,000	\$	60,000,000	34802
5HL0 600602	State and County Shared Services	\$	3,020,000	\$	3,020,000	34803

TOTAL GSF General Services				34804	
Fund Group	\$	124,780,339	\$	116,773,328	34805
		<u>116,680,339</u>		<u>116,680,339</u>	
Federal Special Revenue Fund Group				34806	
3270 600606 Child Welfare	\$	29,769,866	\$	29,769,866	34807
3310 600615 Veterans Programs	\$	8,000,000	\$	8,000,000	34808
3310 600624 Employment Services Programs	\$	26,000,000	\$	26,000,000	34809
3310 600686 Workforce Programs	\$	6,260,000	\$	6,260,000	34810
3840 600610 Food Assistance Programs	\$	209,333,246	\$	180,381,394	34811
3850 600614 Refugee Services	\$	12,564,952	\$	12,564,952	34812
3950 600616 Federal Discretionary Grants	\$	2,259,264	\$	2,259,264	34813
3960 600620 Social Services Block Grant	\$	47,000,000	\$	47,000,000	34814
3970 600626 Child Support - Federal	\$	235,000,000	\$	235,000,000	34815
3980 600627 Adoption Program - Federal	\$	174,178,779	\$	174,178,779	34816
3A20 600641 Emergency Food Distribution	\$	5,000,000	\$	5,000,000	34817
3D30 600648 Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699	34818
3F01 655624 Medicaid Program Support	\$	110,680,495	\$	110,680,495	34819
3H70 600617 Child Care Federal	\$	241,987,805	\$	222,212,089	34820
3N00 600628 Foster Care Program - Federal	\$	311,968,616	\$	311,968,616	34821
3S50 600622 Child Support Projects	\$	534,050	\$	534,050	34822
3V00 600688 Workforce Investment Act Programs	\$	136,000,000	\$	136,000,000	34823
3V40 600678 Federal Unemployment	\$	182,814,212	\$	182,814,212	34824

		Programs				
3V40	600679	UC Review Commission -	\$	6,185,788	\$	6,185,788 34825
		Federal				
3V60	600689	TANF Block Grant	\$	777,957,809	\$	790,304,845 34826
		TOTAL FED Federal Special Revenue				34827
		Fund Group	\$	2,526,972,581	\$	2,490,592,049 34828
		State Special Revenue Fund Group				34829
1980	600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848 34830
4A90	600607	Unemployment	\$	9,006,000	\$	9,006,000 34831
		Compensation				<u>12,506,000</u>
		Administration Fund				
4E70	600604	Family and Children	\$	400,000	\$	400,000 34832
		Services Collections				
4F10	600609	Family and Children	\$	683,549	\$	683,549 34833
		Activities				
5DB0	600637	Military Injury Relief	\$	2,000,000	\$	2,000,000 34834
		Subsidies				
5DP0	600634	Adoption Assistance	\$	500,000	\$	500,000 34835
		Loan				
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000 34836
5KU0	600611	Unemployment	\$	2,000,000	\$	2,000,000 34837
		Compensation Support -				
		Other Sources				
5NG0	600660	Victims of Human	\$	100,000	\$	100,000 34838
		Trafficking				
5U60	600663	Family and Children	\$	4,000,000	\$	4,000,000 34839
		Support				
		TOTAL SSR State Special Revenue				34840
		Fund Group	\$	25,063,397	\$	25,063,397 34841
						<u>28,563,397</u>
		Agency Fund Group				34842
1920	600646	Child Support	\$	129,250,000	\$	129,250,000 34843

		Intercept - Federal				
5830	600642	Child Support	\$	14,000,000	\$	14,000,000 34844
		Intercept - State				
5B60	600601	Food Assistance	\$	1,000,000	\$	1,000,000 34845
		Intercept				
TOTAL AGY		Agency Fund Group	\$	144,250,000	\$	144,250,000 34846
		Holding Account Redistribution Fund Group				34847
R012	600643	Refunds and Audit	\$	2,200,000	\$	2,200,000 34848
		Settlements				
R013	600644	Forgery Collections	\$	10,000	\$	10,000 34849
TOTAL 090		Holding Account	\$	2,210,000	\$	2,210,000 34850
		Redistribution Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	3,586,058,989	\$	3,541,671,446 34851
				<u>3,577,958,989</u>		<u>3,564,278,457</u>

Sec. 301.33. BIG BROTHERS BIG SISTERS 34853

Of the foregoing appropriation item 600410, TANF 34854
 State/Maintenance of Effort, \$1,000,000 in each fiscal year shall 34855
 be provided, in accordance with sections 5101.80 and 5101.801 of 34856
 the Revised Code, to Big Brothers Big Sisters of Central Ohio to 34857
 provide mentoring services to children of incarcerated parents 34858
throughout the state. Upon the request of the Director of Job and 34859
Family Services, the Director of Budget and Management may 34860
transfer any amount of this earmark that remains unspent at the 34861
end of fiscal year 2014 to fiscal year 2015. Any amount 34862
transferred is hereby reappropriated to appropriation item 600410, 34863
TANF State/Maintenance of Effort, for the same purpose in fiscal 34864
year 2015. 34865

Sec. 301.40. COUNTY ADMINISTRATIVE FUNDS 34866

(A) The foregoing appropriation item 600521, Family 34867
 Assistance - Local, may be provided to county departments of job 34868

and family services to administer food assistance and disability 34869
assistance programs. 34870

(B) The foregoing appropriation item 655522, Medicaid Program 34871
Support - Local, may be provided to county departments of job and 34872
family services to administer the Medicaid program and the State 34873
Children's Health Insurance program. 34874

(C) At the request of the Director of Job and Family 34875
Services, the Director of Budget and Management may transfer 34876
appropriations between appropriation item 600521, Family 34877
Assistance - Local, and appropriation item 655522, Medicaid 34878
Program Support - Local, in order to ensure county administrative 34879
funds are expended from the proper appropriation item. 34880

(D) If receipts credited to the Medicaid Program Support Fund 34881
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 34882
(Fund 3840) exceed the amounts appropriated, the Director of Job 34883
and Family Services shall request the Director of Budget and 34884
Management to authorize expenditures from those funds in excess of 34885
the amounts appropriated. Upon approval of the Director of Budget 34886
and Management, the additional amounts are hereby appropriated. 34887

Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES 34888

Of the foregoing appropriation item 600523, Family and 34889
Children Services, \$150,000 in each fiscal year shall be provided 34890
to children's crisis care facilities, as defined in section 34891
5103.13 of the Revised Code. The Director of Job and Family 34892
Services shall allocate funds based on the number of children at 34893
each facility. A children's crisis care facility may decline to 34894
receive funds provided for under this section. A children's crisis 34895
care facility that accepts funds provided under this section shall 34896
use the funds in accordance with section 5103.13 of the Revised 34897
Code and rules in section 5101:2-9-36 of the Administrative Code. 34898

STATE CHILD PROTECTION ALLOCATION 34899

Of the foregoing appropriation item 600523, Family and 34900
Children Services, up to \$3,200,000 shall be used to match 34901
eligible federal Title IV-B ESSA funds and federal Title IV-E 34902
Chafee funds allocated to public children services agencies. 34903

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 34904

(A) The Ohio Department of Job and Family Services shall 34905
implement and oversee use of a Child Placement Level of Care Tool 34906
on a pilot basis. The Department shall implement the pilot program 34907
in up to ten counties selected by the Department and shall include 34908
the county and at least one private child placing agency or 34909
private noncustodial agency. The pilot program shall be developed 34910
with the participating counties and agencies and must be 34911
acceptable to all participants. A selected county or agency must 34912
agree to participate in the pilot program. 34913

(B) The pilot program shall begin not later than one hundred 34914
eighty days after the effective date of this section and end not 34915
later than eighteen months after the date the pilot program 34916
begins. The length of the pilot program shall not include any time 34917
expended in preparation for implementation or any post-pilot 34918
program evaluation activity. 34919

(C)(1) In accordance with sections 125.01 to 125.11 of the 34920
Revised Code, the Ohio Department of Job and Family Services shall 34921
provide for an independent evaluation of the pilot program to rate 34922
the program's success in the following areas: 34923

(a) Placement stability, length of stay, and other outcomes 34924
for children; 34925

(b) Cost; 34926

(c) Worker satisfaction; 34927

(d) Any other criteria the Department determines will be 34928

<u>useful in the consideration of statewide implementation.</u>	34929
<u>(2) The evaluation design shall include:</u>	34930
<u>(a) A comparison of data to historical outcomes or control counties;</u>	34931
<u>(b) A prospective data evaluation in each of the pilot counties.</u>	34932
<u>(D) The Ohio Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section. The Department shall seek maximum federal financial participation to support the pilot program and the evaluation.</u>	34933
<u>(E) Notwithstanding division (E) of section 5101.141 of the Revised Code, the Department of Job and Family Services shall seek state funding to implement the Child Placement Level of Care Tool pilot program described in this section and to contract for the independent evaluation of the pilot program.</u>	34934
<u>(F) As used in this section, "Child Placement Level of Care Tool" means an assessment tool to be used by participating counties and agencies to assess a child's placement needs when a child must be removed from the child's own home and cannot be placed with a relative or kin not certified as a foster caregiver that includes assessing a child's functioning, needs, strengths, risk behaviors, and exposure to traumatic experiences.</u>	34935
Sec. 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES	34936
General Revenue Fund	34937
GRF 333321 Central Administration	34938
GRF 333402 Resident Trainees	34939
GRF 333415 Lease-Rental Payments	34940
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				<u>14,743,300</u>		
GRF	333416	Research Program	\$	321,998	\$	321,998 34958
		Evaluation				
GRF	334412	Hospital Services	\$	190,514,437	\$	190,514,437 34959
GRF	334506	Court Costs	\$	784,210	\$	784,210 34960
GRF	335405	Family & Children	\$	1,386,000	\$	1,386,000 34961
		First				
GRF	335406	Prevention and	\$	868,659	\$	868,659 34962
		Wellness				
GRF	335421	Continuum of Care	\$	77,733,742	\$	77,633,742 34963
		Services				
GRF	335422	Criminal Justice	\$	4,917,898	\$	4,917,898 34964
		Services				
GRF	335504	Community Innovations	\$	6,500,000	\$	1,500,000 34965
GRF	335506	Residential State	\$	7,502,875	\$	7,502,875 34966
		Supplement				
GRF	335507	Community Behavioral	\$	47,500,000	\$	47,500,000 34967
		Health				
GRF	652507	Medicaid Support	\$	1,727,553	\$	1,736,600 34968
TOTAL GRF		General Revenue Fund	\$	369,546,009	\$	364,679,409 34969
				<u>368,446,009</u>		
		General Services Fund Group				34970
1490	333609	Central Office	\$	1,343,190	\$	1,343,190 34971
		Operating				
5T90	333641	Problem Gambling	\$	60,000	\$	60,000 34972
		Services -				
		Administration				
1490	334609	Hospital - Operating	\$	28,190,000	\$	28,190,000 34973
		Expenses				<u>30,190,000</u>
1500	334620	Special Education	\$	150,000	\$	150,000 34974
4P90	335604	Community Mental	\$	250,000	\$	250,000 34975
		Health Projects				
5T90	335641	Problem Gambling	\$	275,000	\$	275,000 34976

		Services					
1510	336601	Office of Support	\$	115,000,000	\$	115,000,000	34977
		Services				<u>90,000,000</u>	
TOTAL	GSF	General Services Fund	\$	145,268,190	\$	145,268,190	34978
	Group					<u>122,268,190</u>	
		Federal Special Revenue Fund Group					34979
3240	333605	Medicaid/Medicare -	\$	154,500	\$	154,500	34980
		Refunds					
3A60	333608	Federal Miscellaneous	\$	140,000	\$	140,000	34981
		- Administration					
3A70	333612	Social Services Block	\$	50,000	\$	50,000	34982
		Grant -					
		Administration					
3A80	333613	Federal Grants -	\$	4,717,000	\$	4,717,000	34983
		Administration					
3A90	333614	Mental Health Block	\$	748,470	\$	748,470	34984
		Grant -					
		Administration					
3G40	333618	Substance Abuse Block	\$	3,307,789	\$	3,307,789	34985
		Grant- Administration					
3H80	333606	Demonstration Grants	\$	3,237,574	\$	3,237,574	34986
		- Administration				<u>6,000,000</u>	
3N80	333639	Administrative	\$	300,000	\$	300,000	34987
		Reimbursement					
3240	334605	Medicaid/Medicare -	\$	28,200,000	\$	28,200,000	34988
		Hospitals					
3A60	334608	Federal Miscellaneous	\$	200,000	\$	200,000	34989
		- Hospitals					
3A80	334613	Federal Letter of	\$	200,000	\$	200,000	34990
		Credit					
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000	34991
3A70	335612	Social Services Block	\$	8,400,000	\$	8,400,000	34992
		Grant					

3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,500,000	\$	2,500,000 <u>4,500,000</u>	34993
3A90	335614	Mental Health Block Grant	\$	14,200,000	\$	14,200,000	34994
3FR0	335638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	34995
3G40	335618	Substance Abuse Block Grant	\$	62,542,003	\$	62,557,967	34996
3H80	335606	Demonstration Grants	\$	5,428,006	\$	5,428,006 <u>11,000,000</u>	34997
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	± <u>5,000,000</u>	34998
3B10	652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	34999
3J80	652609	Medicaid Legacy Costs Support	\$	3,000,000	\$	± <u>3,000,000</u>	35000
TOTAL FED	FED	Federal Special Revenue Fund Group	\$	152,659,342	\$	144,675,306 <u>163,009,726</u>	35001
		State Special Revenue Fund Group					35002
2320	333621	Family and Children First Administration	\$	400,000	\$	400,000	35003
4750	333623	Statewide Treatment and Prevention - Administration	\$	5,490,667	\$	5,490,667	35004
4850	333632	Mental Health Operating - Refunds	\$	134,233	\$	134,233	35005
5JL0	333629	Problem Gambling and Casino Addictions - Administration	\$	1,361,592	\$	1,361,592	35006
5V20	333611	Non-Federal Miscellaneous	\$	100,000	\$	100,000	35007

6890	333640	Education and Conferences	\$	150,000	\$	150,000	35008
4850	334632	Mental Health Operating - Hospitals	\$	2,477,500	\$	2,477,500	35009
4750	335623	Statewide Treatment and Prevention	\$	10,059,333	\$	10,059,333	35010
5AU0	335615	Behavioral Health Care	\$	6,690,000	\$	6,690,000	35011
5JL0	335629	Problem Gambling and Casino Addictions	\$	4,084,772		4,084,772	35012
6320	335616	Community Capital Replacement	\$	350,000	\$	350,000	35013
TOTAL SSR	State Special Revenue		\$	31,298,097	\$	31,298,097	35014
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	698,771,638	\$	685,921,002	35015
				<u>697,671,638</u>		<u>681,255,422</u>	

Sec. 327.83. COMMUNITY BEHAVIORAL HEALTH 35017

~~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.~~ 35018
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~~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.~~ 35022
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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. Portions of this appropriation item shall be used as follows: 35027
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(A) 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. 35033
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(B) 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. 35036
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(C) Of the foregoing appropriation item 335507, Community Behavioral Health, up to \$5.0 million in fiscal year 2015 shall be used to expand access to recovery housing. "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 where the length of stay is not limited to a specific duration. Recovery housing does not include residential facilities subject to licensure pursuant to section 5119.34 of the Revised Code. Medication-assisted treatment may be allowed in recovery housing. Support for projects in counties of the state that are underserved or do not currently have recovery housing stock shall be given priority. For expenditures that are capital in nature, the Department of Mental Health and Addiction Services shall develop procedures to administer these funds in a manner that is consistent with current community capital assistance projects process guidelines. The Department shall create a plan for a resource hub on recovery housing in Ohio. The Department shall submit the plan to the General Assembly in accordance with section 101.68 of the Revised Code not later than December 31, 2014. 35040
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(D) Of the foregoing appropriation item 335507, Community Behavioral Health, up to \$4.4 million in fiscal year 2015 shall be used to defray a portion of the annual payroll costs associated with the employment of one full-time, or full-time equivalent, 35061
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specialized docket staff member by a court of common pleas, a 35065
municipal court, or a county court, including a juvenile or family 35066
court that currently has, or anticipates having, a family 35067
dependency treatment court that meets all of the eligibility 35068
requirements described in division (D)(1) of this section. A 35069
specialized docket staff member employed under this section shall 35070
be considered an employee of the court. 35071

(1) To be eligible, the court must have received Supreme 35072
Court of Ohio certification for a specialized docket that targets 35073
participants with a drug addiction or dependency. In addition, the 35074
specialized docket staff member must have received training for or 35075
education in alcohol and other drug addiction, abuse, and recovery 35076
and have demonstrated, prior to or within ninety days of hire, 35077
competencies in fundamental alcohol and other drug addiction, 35078
abuse, and recovery. Fundamental competencies shall include, at a 35079
minimum, an understanding of alcohol and other drug treatment and 35080
recovery, how to engage a person in treatment and recovery, and an 35081
understanding of other health care systems, social service 35082
systems, and the criminal justice system. 35083

(2) For the purposes of this section, payroll costs include 35084
annual compensation and fringe benefits. 35085

(3) The Department, solely for the purpose of determining the 35086
amount of the state share available to a court under division 35087
(D)(5) of this section for the employment of one full-time or 35088
full-time equivalent, specialized docket staff member, shall use 35089
the lesser of: 35090

(a) The actual annual compensation and fringe benefits paid 35091
to that staff member proportionally reflecting the staff member's 35092
time allocated for specialized docket duties and responsibilities; 35093
or 35094

(b) \$78,000. 35095

(4) In accordance with any applicable rules, guidelines, or procedures adopted by the Department pursuant to this section, the county auditor shall certify, for any court located within the county that is applying for or receiving funding under this section, to the Department the information necessary to determine that court's eligibility for, and the amount of, funding under this section. 35096
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(5) For a specialized docket staff member employed by a court in this section, the amount of state funding available under this section shall be sixty-five per cent of the payroll costs specified in division (D)(3) of this section. This state funding shall not exceed \$50,700. 35103
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(6) The Department shall disburse this state funding in quarterly installments to the appropriate county or municipality in which the court is located. 35108
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(7) Of the foregoing appropriation item 335507, Community Behavioral Health, the Department shall use up to one per cent of the amount set aside in division (D) of this section in fiscal year 2015 to pay the cost it incurs in administering the duties established in division (D) of this section. 35111
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(8) The Department may adopt rules, guidelines, and procedures as necessary to carry out the purposes of division (D) of this section. 35116
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(E) The remainder of the foregoing appropriation item 335507, Community Behavioral Health, an amount up to \$24.1 million, in fiscal year 2015 shall be invested in addiction and mental health recovery supports, with an emphasis on crisis and housing. These investments shall prioritize funding projects that fill gaps in the continuum of care established by boards of alcohol, drug addiction, and mental health services under division (A)(11) of section 340.03 of the Revised Code. Projects shall be identified 35119
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in consultation with and may be implemented by the boards except 35127
for areas for which the Director of Mental Health and Addiction 35128
Services identifies unmet needs. 35129

Sec. 333.10. DNR DEPARTMENT OF NATURAL RESOURCES 35130

General Revenue Fund 35131

GRF 725401 Wildlife-GRF Central \$ 1,800,000 \$ 1,800,000 35132
Support

GRF 725413 Lease Rental Payments \$ 21,622,900 \$ 23,943,400 35133

GRF 725456 Canal Lands \$ 135,000 \$ 135,000 35134

GRF 725502 Soil and Water \$ 2,900,000 \$ 2,900,000 35135

Districts

GRF 725505 Healthy Lake Erie Fund \$ 650,000 \$ 500,000 35136

GRF 725507 Coal and Mine Safety \$ 2,500,000 \$ 2,500,000 35137
Program

GRF 725903 Natural Resources \$ 24,325,400 \$ ~~25,443,000~~ 35138
General Obligation 23,743,000

Debt Service

GRF 727321 Division of Forestry \$ 4,392,002 \$ 4,392,001 35139

GRF 729321 Office of Information \$ 177,405 \$ 177,405 35140
Technology

GRF 730321 Division of Parks and \$ 30,000,000 \$ 30,000,000 35141
Recreation

GRF 736321 Division of \$ 2,279,115 \$ 2,324,736 35142
Engineering

GRF 737321 Division of Soil and \$ 4,782,704 \$ 4,782,652 35143
Water Resources

GRF 738321 Division of Real \$ 715,963 \$ 670,342 35144
Estate and Land
Management

GRF 741321 Division of Natural \$ 1,200,000 \$ 1,200,000 35145
Areas and Preserves

TOTAL GRF General Revenue Fund	\$	97,480,489	\$	100,768,536	35146
				<u>99,068,536</u>	
General Services Fund Group					35147
1550 725601 Departmental Projects	\$	2,109,968	\$	1,839,204	35148
1570 725651 Central Support	\$	4,609,154	\$	4,671,566	35149
Indirect					
2040 725687 Information Services	\$	5,179,097	\$	5,288,168	35150
2050 725696 Human Resource Direct	\$	2,474,345	\$	2,526,662	35151
Service					
2070 725690 Real Estate Services	\$	50,000	\$	50,000	35152
2230 725665 Law Enforcement	\$	2,126,432	\$	2,126,432	35153
Administration					
2270 725406 Parks Projects	\$	436,500	\$	436,500	35154
Personnel					
4300 725671 Canal Lands	\$	883,879	\$	883,879	35155
4S90 725622 NatureWorks Personnel	\$	404,657	\$	412,570	35156
4X80 725662 Water Resources	\$	138,005	\$	138,005	35157
Council					
5100 725631 Maintenance -	\$	303,611	\$	303,611	35158
State-owned					
Residences					
5160 725620 Water Management	\$	2,559,292	\$	2,559,292	35159
6350 725664 Fountain Square	\$	3,329,935	\$	3,346,259	35160
Facilities Management					
6970 725670 Submerged Lands	\$	852,982	\$	869,145	35161
TOTAL GSF General Services					35162
Fund Group	\$	25,457,857	\$	25,451,293	35163
Federal Special Revenue Fund Group					35164
3320 725669 Federal Mine Safety	\$	265,000	\$	265,000	35165
Grant					
3B30 725640 Federal Forest	\$	500,000	\$	500,000	35166
Pass-Thru					

3B40	725641	Federal Flood Pass-Thru	\$	500,000	\$	500,000	35167
3B50	725645	Federal Abandoned Mine Lands	\$	11,851,759	\$	11,851,759	35168
3B60	725653	Federal Land and Water Conservation Grants	\$	950,000	\$	950,000	35169
3B70	725654	Reclamation - Regulatory	\$	3,200,000	\$	3,200,000	35170
3P10	725632	Geological Survey - Federal	\$	933,448	\$	557,146	35171
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509	35172
3P30	725650	Coastal Management - Federal	\$	2,790,633	\$	2,790,633	35173
3P40	725660	Federal - Soil and Water Resources	\$	969,190	\$	1,006,874	35174
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	4,342,280	\$	4,342,280	35175
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	35176
TOTAL FED Federal Special Revenue							35177
Fund Group			\$	28,386,819	\$	28,048,201	35178
State Special Revenue Fund Group							35179
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	35180
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	35181
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	35182
5090	725602	State Forest	\$	6,873,330	\$	6,880,158	35183
5110	725646	Ohio Geological Mapping	\$	1,220,690	\$	1,993,519	35184
5120	725605	State Parks Operations	\$	29,654,880	\$	29,671,044	35185
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	35186

5180	725643	Oil and Gas Permit Fees <u>Regulation and</u> <u>Safety</u>	\$	12,812,311	\$	13,140,201	35187
5180	725677	Oil and Gas Well Plugging	\$	1,500,000	\$	1,500,000	35188
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	35189
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	35190
5260	725610	Strip Mining Administration Fee	\$	1,800,000	\$	1,800,000	35191
5270	725637	Surface Mining Administration	\$	1,941,532	\$	1,941,532	35192
5290	725639	Unreclaimed Land Fund	\$	1,804,180	\$	1,804,180	35193
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	35194
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	35195
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	35196
5BV0	725683	Soil and Water Districts	\$	8,000,000	\$	8,000,000	35197
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	35198
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	35199
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	35200
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	35201
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	35202
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	35203
5MF0	725635	Ohio Geology License	\$	7,500	\$	7,500	35204

		Plate				
5MW0	725604	Natural Resources	\$	10,163,812	\$	6,165,162 35205
		Special Purposes				
6150	725661	Dam Safety	\$	943,517	\$	943,517 35206
TOTAL SSR		State Special Revenue				35207
Fund Group			\$	80,129,565	\$	77,254,626 35208
		Clean Ohio Conservation Fund Group				35209
7061	725405	Clean Ohio Operating	\$	300,775	\$	300,775 35210
TOTAL CLF		Clean Ohio Conservation	\$	300,775	\$	300,775 35211
Fund Group						
		Wildlife Fund Group				35212
5P20	725634	Wildlife Boater	\$	3,000,000	\$	3,000,000 35213
		Angler Administration				
7015	740401	Division of Wildlife	\$	56,466,564	\$	57,075,976 35214
		Conservation				
8150	725636	Cooperative	\$	120,449	\$	120,449 35215
		Management Projects				
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885 35216
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000 35217
		Checkoff Fund				
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000 35218
		Research				
8190	725685	Ohio River Management	\$	203,584	\$	203,584 35219
81B0	725688	Wildlife Habitat Fund	\$	1,200,000	\$	1,200,000 35220
TOTAL WLF		Wildlife Fund Group	\$	65,457,482	\$	66,066,894 35221
		Waterways Safety Fund Group				35222
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671 35223
7086	725418	Buoy Placement	\$	52,182	\$	52,182 35224
7086	725501	Waterway Safety	\$	120,000	\$	120,000 35225
		Grants				
7086	725506	Watercraft Marine	\$	576,153	\$	576,153 35226
		Patrol				

7086	725513	Watercraft	\$	366,643	\$	366,643	35227
		Educational Grants					
7086	739401	Division of	\$	19,467,370	\$	19,297,370	35228
		Watercraft					
TOTAL WSF Waterways Safety Fund							35229
Group							\$ 26,276,019 \$ 26,106,019 35230
Accrued Leave Liability Fund Group							35231
4M80	725675	FOP Contract	\$	20,219	\$	20,219	35232
TOTAL ALF Accrued Leave							35233
Liability Fund Group							\$ 20,219 \$ 20,219 35234
Holding Account Redistribution Fund Group							35235
R017	725659	Performance Cash Bond	\$	496,263	\$	496,263	35236
		Refunds					
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	35237
TOTAL 090 Holding Account							35238
Redistribution Fund Group							\$ 2,596,263 \$ 2,596,263 35239
TOTAL ALL BUDGET FUND GROUPS							\$ 326,105,488 \$ 326,612,826 35240
							<u>324,912,826</u>

Sec. 333.80. SOIL AND WATER DISTRICTS 35242

In addition to state payments to soil and water conservation 35243
districts authorized by section 1515.10 of the Revised Code, the 35244
Department of Natural Resources may use appropriation item 725683, 35245
Soil and Water Districts, to pay any soil and water conservation 35246
district an annual amount not to exceed \$40,000, upon receipt of a 35247
request and justification from the district and approval by the 35248
Ohio Soil and Water Conservation Commission. The county auditor 35249
shall credit the payments to the special fund established under 35250
section 1515.10 of the Revised Code for the local soil and water 35251
conservation district. Moneys received by each district shall be 35252
expended for the purposes of the district. 35253

OIL AND GAS WELL PLUGGING 35254

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL MAPPING OPERATIONS

During fiscal years 2014 and 2015, the Director of Budget and Management may, in consultation with the Director of Natural Resources, transfer such cash as necessary from the General Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the Geological Mapping Fund (Fund 5110). The cash transfer to Fund 5180 shall be used for handling the increased regulatory work related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5180. The cash transfer to Fund 5110 shall be used for handling the increased field and laboratory research efforts related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5110. Once funds from severance taxes, application and permitting fees, and other sources have accrued to Fund 5180 and Fund 5110 in such amounts as are considered sufficient to sustain expanded operations, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the transferred funds from Fund 5180 and Fund 5110 to the General Revenue Fund.

NATURAL RESOURCES SPECIAL PURPOSES

Of the foregoing appropriation item 725604, Natural Resources 35287
Special Purposes, up to \$2,100,000 in fiscal year 2014 shall be 35288
used for the construction or acquisition of a treatment train 35289
process at an Ohio inland lake, and up to \$1,800,000 in fiscal 35290
year 2014 shall be used for the purchase of two sweeper dredges 35291
for use at Ohio inland lakes, and \$263,812 in fiscal year 2014 and 35292
\$165,162 in fiscal year 2015 shall be used for the operation of 35293
the dredges purchased under this section. 35294

Sec. 340.10. OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES				35295
AGENCY				35296
General Revenue Fund				35297
GRF	415402	Independent Living Council	\$ 252,000 \$ 252,000	35298
GRF	415406	Assistive Technology	\$ 26,618 \$ 26,618	35299
GRF	415431	Office for People with Brain Injury	\$ 126,567 \$ 126,567	35300
GRF	415506	Services for People <u>Individuals</u> with Disabilities	\$ 15,277,885 \$ 15,277,885	35301
GRF	415508	Services for the Deaf	\$ 28,000 \$ 28,000	35302
TOTAL GRF General Revenue Fund			\$ 15,711,070 \$ 15,711,070	35303
General Services Fund Group				35304
4670	415609	Business Enterprise Operating Expenses	\$ 962,538 \$ 965,481	35305
TOTAL GSF General Services				35306
Fund Group			\$ 962,538 \$ 965,481	35307
Federal Special Revenue Fund Group				35308
3170	415620	Disability Determination	\$ 83,332,186 \$ 84,641,911	35309
3790	415616	Federal - Vocational Rehabilitation	\$ 117,431,895 \$ 113,610,728	35310

3L10 415601	Social Security Personal Care Assistance	\$ 2,748,451	\$ 2,752,396	35311
3L10 415605	Social Security Community Centers for the Deaf	\$ 772,000	\$ 772,000	35312
3L10 415608	Social Security Special Programs/Assistance <u>Vocational</u> <u>Rehabilitation</u>	\$ 445,258	\$ 498,269	35313
3L40 415612	Federal Independent Living Centers or Services	\$ 638,431	\$ 638,431	35314
3L40 415615	Federal - Supported Employment	\$ 916,727	\$ 916,727	35315
3L40 415617	Independent Living/Vocational Rehabilitation Programs	\$ 1,548,658	\$ 1,348,658	35316
TOTAL FED Federal Special Revenue Fund Group		\$ 207,833,606	\$ 205,179,120	35317 35318
State Special Revenue Fund Group				35319
4680 415618	Third Party Funding	\$ 11,000,000	\$ 11,000,000	35320
4L10 415619	Services for Rehabilitation	\$ 3,502,168	\$ 3,502,168	35321
4W50 415606	Program Management Expenses	\$ 12,369,751	\$ 12,594,758	35322
TOTAL SSR State Special Revenue Fund Group		\$ 26,871,919	\$ 27,096,926	35323 35324
TOTAL ALL BUDGET FUND GROUPS		\$ 251,379,133	\$ 248,952,597	35325
INDEPENDENT LIVING COUNCIL				35326

The foregoing appropriation item 415402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council and to support state independent living centers and independent living services under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

ASSISTIVE TECHNOLOGY

The total amount of the foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

~~OFFICE FOR PEOPLE WITH~~ BRAIN INJURY

The foregoing appropriation item 415431, ~~Office for People with~~ Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3304.23 of the Revised Code.

VOCATIONAL REHABILITATION SERVICES

The foregoing appropriation item 415506, Services for ~~People~~ Individuals with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	35357
The foregoing appropriation item 415617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs.	35358 35359 35360
SOCIAL SECURITY REIMBURSEMENT FUNDS	35361
Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended from the Social Security Reimbursement Fund (Fund 3L10), to the extent funds are available, as follows:	35362 35363 35364 35365 35366 35367
(A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;	35368 35369 35370
(B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and	35371 35372 35373 35374
(C) Appropriation item 415608, Social Security Special Programs/Assistance <u>Vocational Rehabilitation</u> , to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item shall also be used to pay a portion of indirect costs of the Personal Care Assistance Program and the Independent Living Programs as mandated by federal OMB Circular A-87.	35375 35376 35377 35378 35379 35380 35381 35382
PROGRAM MANAGEMENT EXPENSES	35383
The foregoing appropriation item 415606, Program Management Expenses , shall be used to support the administrative functions of the commission related to the provision of vocational	35384 35385 35386

rehabilitation, disability determination services, and ancillary programs. 35387
35388

Sec. 349.10. PRX STATE BOARD OF PHARMACY 35389

General Services Fund Group 35390

4A50 887605 Drug Law Enforcement \$ 150,000 \$ 150,000 35391

4K90 887609 Operating Expenses \$ 6,701,285 \$ ~~6,701,285~~ 35392
6,901,285

TOTAL GSF General Services Fund \$ 6,851,285 \$ ~~6,851,285~~ 35393
Group 7,051,285

Federal Special Revenue Fund Group 35394

3BC0 887604 Dangerous Drugs \$ 390,869 \$ 0 35395

Database

3CT0 887606 2008 \$ 224,691 \$ 112,346 35396

Developing/Enhancing

PMP

3DV0 887607 Enhancing Ohio's PMP \$ 2,000 \$ 2,000 35397

3EY0 887603 Administration of \$ 66,335 \$ 0 35398

PMIX Hub

TOTAL FED Federal Special Revenue \$ 683,895 \$ 114,346 35399

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,535,180 \$ ~~6,965,631~~ 35400
7,165,631

Sec. 359.10. PWC PUBLIC WORKS COMMISSION 35402

General Revenue Fund 35403

GRF 150904 Conservation General \$ ~~33,376,600~~ \$ 34,447,700 35404

Obligation Debt 26,676,600

Service

GRF 150907 State Capital \$ ~~227,810,300~~ \$ ~~228,948,900~~ 35405

Improvements General 210,710,300 226,948,900

Obligation Debt

Service

TOTAL GRF General Revenue Fund	\$	261,186,900	\$	263,396,600	35406
		<u>237,386,900</u>		<u>261,396,600</u>	

Clean Ohio Conservation Fund Group 35407

7056 150403 Clean Ohio Operating	\$	288,980	\$	288,980	35408
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Expenses

TOTAL 056 Clean Ohio Conservation	\$	288,980	\$	288,980	35409
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	261,475,880	\$	263,685,580	35410
		<u>237,675,880</u>		<u>261,685,580</u>	

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 35411

The foregoing appropriation item 150904, Conservation General 35412
 Obligation Debt Service, shall be used to pay all debt service and 35413
 related financing costs during the period from July 1, 2013, 35414
 through June 30, 2015, at the times they are required to be made 35415
 for obligations issued under sections 151.01 and 151.09 of the 35416
 Revised Code. 35417

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 35418

The foregoing appropriation item 150907, State Capital 35419
 Improvements General Obligation Debt Service, shall be used to pay 35420
 all debt service and related financing costs during the period 35421
 from July 1, 2013, through June 30, 2015, at the times they are 35422
 required to be made for obligations issued under sections 151.01 35423
 and 151.08 of the Revised Code. 35424

CLEAN OHIO OPERATING EXPENSES 35425

The foregoing appropriation item 150403, Clean Ohio Operating 35426
 Expenses, shall be used by the Ohio Public Works Commission in 35427
 administering Clean Ohio Conservation Fund (Fund 7056) projects 35428
 pursuant to sections 164.20 to 164.27 of the Revised Code. 35429

Sec. 363.10. BOR BOARD OF REGENTS 35430

General Revenue Fund					35431	
GRF 235321	Operating Expenses	\$	2,850,357	\$	2,850,357	35432
GRF 235401	Lease Rental Payments	\$	5,805,300	\$	0	35433
GRF 235402	Sea Grants	\$	285,000	\$	285,000	35434
GRF 235406	Articulation and Transfer	\$	2,000,000	\$	2,000,000	35435
GRF 235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	35436
GRF 235409	HEI Information System	\$	1,505,683	\$	1,505,683	35437
GRF 235414	State Grants and Scholarship Administration	\$	830,180	\$	830,180	35438
GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688	35439
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$	737,366	35440
GRF 235433	Economic Growth Challenge	\$	521,153	\$	521,153	35441
GRF 235434	College Readiness and Access	\$	1,200,000	\$	1,200,000	35442
GRF 235438	Choose Ohio First Scholarship	\$	16,665,114	\$	16,665,114	35443
GRF 235443	Adult Basic and Literacy Education - State	\$	7,427,416	\$	7,427,416	35444
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,817,547	\$	15,817,547	35445
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	35446
GRF 235480	General Technology Operations	\$	500,000	\$	500,000	35447
GRF 235483	Technology Integration	\$	3,378,598	\$	2,703,598	35448

	and Professional Development				
GRF 235501	State Share of Instruction	\$ 1,789,699,580	\$ 1,818,225,497 <u>1,821,325,497</u>	35449	
GRF 235502	Student Support Services	\$ 632,974	\$ 632,974	35450	
GRF 235504	War Orphans Scholarships	\$ 5,500,000	\$ 5,500,000	35451	
GRF 235507	OhioLINK	\$ 6,211,012	\$ 6,211,012	35452	
GRF 235508	Air Force Institute of Technology	\$ 1,740,803	\$ 1,740,803	35453	
GRF 235510	Ohio Supercomputer Center	\$ 3,747,418	\$ 3,747,418	35454	
GRF 235511	Cooperative Extension Service	\$ 23,086,658	\$ 23,056,658	35455	
GRF 235514	Central State Supplement	\$ 11,063,468	\$ 11,063,468	35456	
GRF 235515	Case Western Reserve University School of Medicine	\$ 2,146,253	\$ 2,146,253	35457	
GRF 235516	Wright State Lake Campus Agricultural Program	\$ 200,000	\$ 0	35458	
GRF 235519	Family Practice	\$ 3,166,185	\$ 3,166,185	35459	
GRF 235520	Shawnee State Supplement	\$ 2,326,097	\$ 2,326,097	35460	
GRF 235523	Youth STEM Commercialization and Entrepreneurship Program	\$ 2,000,000	\$ 3,000,000	35461	
GRF 235524	Police and Fire Protection	\$ 107,814	\$ 107,814	35462	
GRF 235525	Geriatric Medicine	\$ 522,151	\$ 522,151	35463	

GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	35464
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,126,100	\$	34,629,970	35465
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	35466
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	35467
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	35468
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	35469
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	35470
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	35471
GRF 235552	Capital Component	\$	13,628,639	\$	10,280,387	35472
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	35473
GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	35474
GRF 235558	Long-term Care Research	\$	325,300	\$	325,300	35475
GRF 235563	Ohio College Opportunity Grant	\$	90,284,264	\$	90,284,264	35476
GRF 235572	The Ohio State University Clinic Support	\$	766,533	\$	766,533	35477
GRF 235599	National Guard	\$	16,711,514	\$	17,384,511	35478

		Scholarship Program				
GRF 235909		Higher Education	\$	221,168,700	\$	248,822,000 35479
		General Obligation		<u>215,368,700</u>		<u>245,822,000</u>
		Debt Service				
TOTAL GRF		General Revenue Fund	\$	2,331,062,630	\$	2,379,360,162 35480
				<u>2,325,262,630</u>		<u>2,379,460,162</u>
		General Services Fund Group				35481
2200 235614		Program Approval and	\$	903,595	\$	903,595 35482
		Reauthorization				
4560 235603		Sales and Services	\$	199,250	\$	199,250 35483
5JC0 235649		Co-op Internship	\$	8,000,000	\$	8,000,000 35484
		Program				
5JC0 235668		Defense/Aerospace	\$	4,000,000	\$	4,000,000 35485
		Workforce Development				
		Initiative				
5JC0 235685		Manufacturing	\$	2,000,000	\$	0 35486
		Workforce Development				
		Initiative				
TOTAL GSF		General Services				35487
Fund Group			\$	15,102,845	\$	13,102,845 35488
		Federal Special Revenue Fund Group				35489
3120 235612		Carl D. Perkins	\$	1,350,000	\$	1,350,000 35490
		Grant/Plan				
		Administration				
3120 235617		Improving Teacher	\$	3,200,000	\$	3,200,000 35491
		Quality Grant				
3120 235641		Adult Basic and	\$	14,835,671	\$	14,835,671 35492
		Literacy Education -				
		Federal				
3120 235672		H-1B Tech Skills	\$	1,100,000	\$	1,100,000 35493
		Training				
3BW0 235630		Indirect Cost	\$	50,000	\$	50,000 35494

		Recovery - Federal				
3H20	235608	Human Services	\$	1,000,000	\$	1,000,000 35495
		Project				
		TOTAL FED Federal Special Revenue				35496
		Fund Group	\$	21,535,671	\$	21,535,671 35497
		State Special Revenue Fund Group				35498
4E80	235602	Higher Educational	\$	29,100	\$	29,100 35499
		Facility Commission				
		Administration				
4X10	235674	Telecommunity and	\$	49,150	\$	49,150 35500
		Distance Learning				
5D40	235675	Conferences/Special	\$	1,884,095	\$	1,884,095 35501
		Purposes				
5FR0	235643	Making Opportunity	\$	230,000	\$	230,000 35502
		Affordable				
5P30	235663	Variable Savings Plan	\$	8,066,920	\$	8,104,370 35503
6450	235664	Guaranteed Savings	\$	1,290,718	\$	1,303,129 35504
		Plan				
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320 35505
		TOTAL SSR State Special Revenue				35506
		Fund Group	\$	12,441,303	\$	12,491,164 35507
		Third Frontier Research & Development Fund Group				35508
7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000 35509
		Third Frontier Fund				
		TOTAL 011 Third Frontier Research &	\$	8,000,000	\$	8,000,000 35510
		Development Fund Group				
		TOTAL ALL BUDGET FUND GROUPS	\$	2,388,142,449	\$	2,434,489,842 35511
				<u>2,382,342,449</u>		<u>2,434,589,842</u>
		Sec. 365.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION				35513
		General Revenue Fund				35514
GRF	501321	Institutional	\$	883,768,015	\$	873,724,802 35515

		Operations		<u>895,799,933</u>		<u>900,215,085</u>	
GRF	501403	Prisoner Compensation	\$	6,000,000	\$	6,000,000	35516
GRF	501405	Halfway House	\$	45,049,356	\$	46,024,108	35517
				<u>48,399,340</u>		<u>51,197,937</u>	
GRF	501406	Lease Rental Payments	\$	104,099,500	\$	99,534,800	35518
				<u>103,099,500</u>			
GRF	501407	Community	\$	34,187,858	\$	34,314,390	35519
		Nonresidential		<u>32,439,358</u>		<u>36,062,890</u>	
		Programs					
GRF	501408	Community Misdemeanor	\$	12,856,800	\$	12,856,800	35520
		Programs					
GRF	501501	Community Residential	\$	63,345,972	\$	66,150,781	35521
		Programs - CBCF		<u>64,224,472</u>		<u>69,453,455</u>	
GRF	503321	Parole and Community	\$	64,480,938	\$	65,029,680	35522
		Operations		<u>66,102,094</u>		<u>71,676,403</u>	
GRF	504321	Administrative	\$	20,659,664	\$	20,907,476	35523
		Operations					
GRF	505321	Institution Medical	\$	243,289,774	\$	254,139,452	35524
		Services		<u>239,397,895</u>		<u>251,994,058</u>	
GRF	506321	Institution Education	\$	19,102,051	\$	19,112,418	35525
		Services					
TOTAL	GRF	General Revenue Fund	\$	1,496,839,928	\$	1,497,794,707	35526
				<u>1,508,081,107</u>		<u>1,539,011,322</u>	
		General Services Fund Group					35527
1480	501602	Institutional	\$	3,139,577	\$	3,139,577	35528
		Services					
2000	501607	Ohio Penal Industries	\$	41,393,226	\$	40,609,872	35529
4830	501605	Property Receipts	\$	582,086	\$	582,086	35530
4B00	501601	Sewer Treatment	\$	2,023,671	\$	2,067,214	35531
		Services					
4D40	501603	Prisoner Programs	\$	17,499,255	\$	17,499,255	35532
4L40	501604	Transitional Control	\$	1,113,120	\$	1,113,120	35533
4S50	501608	Education Services	\$	4,114,782	\$	4,114,782	35534

5710	501606	Training Academy	\$	125,000	\$	125,000	35535
		Receipts					
5930	501618	Laboratory Services	\$	3,750,000	\$	0	35536
5AF0	501609	State and Non-Federal	\$	1,440,000	\$	1,440,000	35537
		Awards					
5H80	501617	Offender Financial	\$	2,000,000	\$	2,000,000	35538
		Responsibility					
5L60	501611	Information	\$	250,000	\$	250,000	35539
		Technology Services					
TOTAL GSF		General Services Fund	\$	77,430,717	\$	72,940,906	35540
		Group					
		Federal Special Revenue Fund Group					35541
3230	501619	Federal Grants	\$	7,132,943	\$	7,132,943	35542
TOTAL FED		Federal Special Revenue					35543
		Fund Group	\$	7,132,943	\$	7,132,943	35544
TOTAL ALL BUDGET FUND GROUPS			\$	1,581,403,588	\$	1,577,868,556	35545
				<u>1,592,644,767</u>		<u>1,619,085,171</u>	
		TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL					35546
		SENTENCING REFORMS					35547
		For the purposes of implementing criminal sentencing reforms,					35548
		and notwithstanding any other provision of law to the contrary,					35549
		the Director of Budget and Management, at the request of the					35550
		Director of Rehabilitation and Correction, may transfer up to					35551
		\$14,000,000 in appropriations, in each of fiscal years 2014 and					35552
		2015, from appropriation item 501321, Institutional Operations, to					35553
		any combination of appropriation items 501405, Halfway House;					35554
		501407, Community Residential Programs; 501408, Community					35555
		Misdemeanor Programs; and 501501, Community Residential Programs -					35556
		CBCF.					35557
		LEASE RENTAL PAYMENTS					35558
		The foregoing appropriation item 501406, Lease Rental					35559
		Payments, shall be used to meet all payments at the times they are					35560

required to be made during the period from July 1, 2013, through 35561
June 30, 2015, by the Department of Rehabilitation and Correction 35562
under the primary leases and agreements for those buildings made 35563
under Chapters 152. and 154. of the Revised Code. These 35564
appropriations are the source of funds pledged for bond service 35565
charges on related obligations issued under Chapters 152. and 154. 35566
of the Revised Code. 35567

OSU MEDICAL CHARGES 35568

Notwithstanding section 341.192 of the Revised Code, at the 35569
request of the Department of Rehabilitation and Correction, The 35570
Ohio State University Medical Center, including the Arthur G. 35571
James Cancer Hospital and Richard J. Solove Research Institute and 35572
the Richard M. Ross Heart Hospital, shall provide necessary care 35573
to persons who are confined in state adult correctional 35574
facilities. The provision of necessary care shall be billed to the 35575
Department at a rate not to exceed the authorized reimbursement 35576
rate for the same service established by the Department of 35577
Medicaid under the Medicaid Program. 35578

CORRECTIVE CASH TRANSFER 35579

At the request of the Director of Rehabilitation and 35580
Correction, the Director of Budget and Management may transfer an 35581
amount not to exceed \$2,391 in cash that was mistakenly deposited 35582
in the Federal Grants Fund (Fund 3230) to the General Revenue 35583
Fund. 35584

Sec. 395.10. TAX DEPARTMENT OF TAXATION 35585

General Revenue Fund 35586

GRF 110321 Operating Expenses \$ 72,568,330 \$ 67,968,332 35587

GRF 110404 Tobacco Settlement \$ 178,200 \$ 178,200 35588

Enforcement

GRF 110901 Property Tax \$ ~~666,640,000~~ \$ ~~678,255,600~~ 35589

	Allocation - Taxation		<u>658,640,000</u>		<u>673,255,600</u>	
TOTAL GRF	General Revenue Fund	\$	739,386,530	\$	746,402,132	35590
			<u>731,386,530</u>		<u>741,402,132</u>	
General Services Fund Group						35591
2280 110628	Revenue Enhancement	\$	15,500,000	\$	17,500,000	35592
					<u>17,100,000</u>	
4330 110602	Tape File Account	\$	175,000	\$	175,000	35593
5BP0 110639	Wireless 9-1-1 Administration	\$	290,000	\$	290,000	35594
5CZ0 110631	Vendor's License Application	\$	250,000	\$	250,000	35595
5MN0 110638	STARS Development and Implementation	\$	5,000,000	\$	3,000,000	35596
5N50 110605	Municipal Income Tax Administration	\$	150,000	\$	150,000	35597
5N60 110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	35598
5V80 110623	Property Tax Administration	\$	11,978,310	\$	11,978,310	35599
					<u>11,178,310</u>	
5W70 110627	Exempt Facility Administration	\$	49,500	\$	49,500	35600
TOTAL GSF General Services Fund Group						35601
		\$	33,492,810	\$	33,492,810	35602
					<u>32,292,810</u>	
State Special Revenue Fund Group						35603
4350 110607	Local Tax Administration	\$	20,000,000	\$	20,700,000	35604
					<u>20,300,000</u>	
4360 110608	Motor Vehicle Audit	\$	1,459,609	\$	1,459,609	35605
4370 110606	Income Tax Contribution	\$	38,800	\$	38,800	35606
4380 110609	School District Income Tax	\$	5,802,044	\$	5,802,044	35607
					<u>5,402,044</u>	

4C60	110616	International Registration Plan	\$	682,415	\$	682,415	35608
4R60	110610	Tire Tax Administration	\$	244,193	\$	244,193	35609
5V70	110622	Motor Fuel Tax Administration	\$	5,035,374	\$	5,035,374	35610
6390	110614	Cigarette Tax Enforcement	\$	1,750,000	\$	1,750,000	35611
6420	110613	Ohio Political Party Distributions	\$	500,000	\$	500,000	35612
6880	110615	Local Excise Tax Administration	\$	775,015	\$	775,015	35613
TOTAL SSR State Special Revenue							35614
Fund Group			\$	36,287,450	\$	36,987,450 <u>36,187,450</u>	35615
Agency Fund Group							35616
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	35617
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	35618
TOTAL AGY Agency Fund Group			\$	1,567,800,000	\$	1,567,800,000	35619
Holding Account Redistribution Fund Group							35620
R010	110611	Tax Distributions	\$	50,000	\$	50,000	35621
R011	110612	Miscellaneous Income Tax Receipts	\$	50,000	\$	50,000	35622
TOTAL 090 Holding Account							35623
Redistribution Fund Group			\$	100,000	\$	100,000	35624
TOTAL ALL BUDGET FUND GROUPS			\$	2,377,066,790 <u>2,369,066,790</u>	\$	2,384,782,392 <u>2,377,782,392</u>	35625
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK							35626
The foregoing appropriation item 110901, Property Tax							35627
Allocation - Taxation, is hereby appropriated to pay for the							35628
state's costs incurred due to the Homestead Exemption, the							35629
Manufactured Home Property Tax Rollback, and the Property Tax							35630

Rollback. The Tax Commissioner shall distribute these funds 35631
directly to the appropriate local taxing districts, except for 35632
school districts, notwithstanding the provisions in sections 35633
321.24 and 323.156 of the Revised Code, which provide for payment 35634
of the Homestead Exemption, the Manufactured Home Property Tax 35635
Rollback, and Property Tax Rollback by the Tax Commissioner to the 35636
appropriate county treasurer and the subsequent redistribution of 35637
these funds to the appropriate local taxing districts by the 35638
county auditor. 35639

Upon receipt of these amounts, each local taxing district 35640
shall distribute the amount among the proper funds as if it had 35641
been paid as real property taxes. Payments for the costs of 35642
administration shall continue to be paid to the county treasurer 35643
and county auditor as provided for in sections 319.54, 321.26, and 35644
323.156 of the Revised Code. 35645

Any sums, in addition to the amounts specifically 35646
appropriated in appropriation item 110901, Property Tax Allocation 35647
- Taxation, for the Homestead Exemption, the Manufactured Home 35648
Property Tax Rollback, and the Property Tax Rollback payments, 35649
which are determined to be necessary for these purposes, are 35650
hereby appropriated. 35651

MUNICIPAL INCOME TAX 35652

The foregoing appropriation item 110995, Municipal Income 35653
Tax, shall be used to make payments to municipal corporations 35654
under section 5745.05 of the Revised Code. If it is determined 35655
that additional appropriations are necessary to make such 35656
payments, such amounts are hereby appropriated. 35657

TAX REFUNDS 35658

The foregoing appropriation item 110635, Tax Refunds, shall 35659
be used to pay refunds under section 5703.052 of the Revised Code. 35660
If it is determined that additional appropriations are necessary 35661

for this purpose, such amounts are hereby appropriated.	35662
INTERNATIONAL REGISTRATION PLAN AUDIT	35663
The foregoing appropriation item 110616, International	35664
Registration Plan, shall be used under section 5703.12 of the	35665
Revised Code for audits of persons with vehicles registered under	35666
the International Registration Plan.	35667
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	35668
Of the foregoing appropriation item 110607, Local Tax	35669
Administration, the Tax Commissioner may disburse funds, if	35670
available, for the purposes of paying travel expenses incurred by	35671
members of Ohio's delegation to the Streamlined Sales Tax Project,	35672
as appointed under section 5740.02 of the Revised Code. Any travel	35673
expense reimbursement paid for by the Department of Taxation shall	35674
be done in accordance with applicable state laws and guidelines.	35675
TOBACCO SETTLEMENT ENFORCEMENT	35676
The foregoing appropriation item 110404, Tobacco Settlement	35677
Enforcement, shall be used by the Tax Commissioner to pay costs	35678
incurred in the enforcement of divisions (F) and (G) of section	35679
5743.03 of the Revised Code.	35680
STARS DEVELOPMENT AND IMPLEMENTATION FUND	35681
The foregoing appropriation item 110638, STARS Development	35682
and Implementation Fund, shall be used to pay costs incurred in	35683
the development and implementation of the department's State Tax	35684
Accounting and Revenue System. The Director of Budget and	35685
Management, under a plan submitted by the Tax Commissioner, or as	35686
otherwise determined by the Director of Budget and Management,	35687
shall set a schedule to transfer cash from the Tax Reform System	35688
Implementation Fund, Local Tax Administration Fund, School	35689
District Income Tax Fund, Discovery Project Fund, and the Motor	35690
Fuel Tax Administration Fund to the credit of the STARS	35691

Development and Implementation Fund (Fund 5MN0). The transfers of 35692
cash shall not exceed \$8,000,000 in the biennium. 35693

Sec. 403.10. DVS DEPARTMENT OF VETERANS SERVICES 35694

General Revenue Fund 35695

GRF 900321 Veterans' Homes \$ 27,369,946 \$ ~~27,369,946~~ 35696
26,992,608

GRF 900402 Hall of Fame \$ 107,075 \$ 107,075 35697

GRF 900408 Department of \$ 2,001,823 \$ ~~2,001,823~~ 35698
Veterans Services 2,379,161

GRF 900901 Persian Gulf, \$ 7,542,600 \$ 9,914,800 35699
Afghanistan, and Iraq
Compensation Debt
Service

TOTAL GRF General Revenue Fund \$ 37,021,444 \$ 39,393,644 35700

General Services Fund Group 35701

4840 900603 Veterans' Homes \$ 1,596,894 \$ 1,596,894 35702
Services

TOTAL GSF General Services Fund \$ 1,596,894 \$ 1,596,894 35703

Group

Federal Special Revenue Fund Group 35704

3680 900614 Veterans Training \$ 684,017 \$ 697,682 35705

3740 900606 Troops to Teachers \$ 111,822 \$ 111,879 35706

3BX0 900609 Medicare Services \$ 2,250,000 \$ 2,250,000 35707

3L20 900601 Veterans' Homes \$ 24,887,790 \$ 25,634,423 35708
Operations - Federal

TOTAL FED Federal Special Revenue 35709

Fund Group \$ 27,933,629 \$ 28,693,984 35710

State Special Revenue Fund Group 35711

4E20 900602 Veterans' Homes \$ 10,614,652 \$ 10,837,435 35712
Operating

6040 900604	Veterans' Homes	\$	403,663	\$	459,359	35713
	Improvement					
TOTAL SSR State Special Revenue						35714
Fund Group		\$	11,018,315	\$	11,296,794	35715
Persian Gulf, Afghanistan, and Iraq Compensation Fund Group						35716
7041 900615	Veteran Bonus Program	\$	738,703	\$	629,709	35717
	- Administration					
7041 900641	Persian Gulf,	\$	14,500,000	\$	9,400,000	35718
	Afghanistan, and Iraq					
	Compensation					
TOTAL 041 Persian Gulf,						35719
Afghanistan, and Iraq						35720
Compensation Fund Group						35721
		\$	15,238,703	\$	10,029,709	35721
TOTAL ALL BUDGET FUND GROUPS						35722
		\$	92,808,985	\$	91,011,025	35722
PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL						35723
OBLIGATION DEBT SERVICE						35724
The foregoing appropriation item 900901, Persian Gulf,						35725
Afghanistan and Iraq Compensation Debt Service, shall be used to						35726
pay all debt service and related financing costs during the period						35727
from July 1, 2013, through June 30, 2015, on obligations issued						35728
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation						35729
purposes under sections 151.01 and 151.12 of the Revised Code.						35730
Sec. 512.70. PROHIBITION ON TRANSFERS FISCAL YEAR 2014						35731
<u>GENERAL REVENUE FUND ENDING BALANCE</u>						35732
Notwithstanding section 131.44 of the Revised Code, cash						35733
shall not be transferred to the Income Tax Reduction Fund prior to						35734
July 1, 2015 <u>any surplus revenue, as that term is defined in that</u>						35735
<u>section, that exists on June 30, 2014, to the extent of the amount</u>						35736
<u>so determined, shall be allocated as follows after the transfer of</u>						35737
<u>cash to the Budget Stabilization Fund (Fund 7013) required under</u>						35738
<u>division (B)(1)(a) of section 131.44 of the Revised Code:</u>						35739

(A) First, the Director of Budget and Management shall 35740
transfer a cash amount of up to \$300,000,000 from the General 35741
Revenue Fund to the Medicaid Reserve Fund (Fund 5Y80). 35742

(B) Second, to the extent surplus revenue remains after the 35743
allocation in division (A) of this section, the Director shall 35744
reserve in the General Revenue Fund any cash amount that the 35745
Director and the Tax Commissioner jointly determine is necessary 35746
to offset the cost of accelerating the income tax reduction for 35747
taxable year 2015, as specified in division (A)(8) of section 35748
5747.02 of the Revised Code, as amended by Am. Sub. H.B. 483 of 35749
the 130th General Assembly, to taxable years beginning in 2014. 35750

(C)(1) Third, to the extent surplus revenue remains after the 35751
allocation in division (B) of this section, the Director shall 35752
transfer to the Small Business Deduction Augmentation Fund (Fund 35753
5PN0), which is hereby created, the amount of the remaining 35754
surplus revenue that the Director and the Tax Commissioner jointly 35755
determine is necessary to offset the cost of an additional 35756
deduction for Ohio small business investor income. The additional 35757
deduction shall not exceed twenty-five per cent of a taxpayer's 35758
Ohio small business investor income. 35759

(2) The additional deduction shall apply only to taxable 35760
years beginning in 2014. 35761

(3)(a) If the additional deduction equals twenty-five per 35762
cent of a taxpayer's Ohio small business investor income, the 35763
combined deduction allowed under this section and division (A)(31) 35764
of section 5747.01 of the Revised Code shall not exceed \$93,750 35765
for each spouse if spouses file separate returns under section 35766
5747.08 of the Revised Code or \$187,500 for all other taxpayers. 35767

(b) If the additional deduction is less than twenty-five per 35768
cent of a taxpayer's Ohio small business investor income, the 35769
maximum combined deduction amounts prescribed in division 35770

(C)(3)(a) of this section shall be reduced in the same proportion 35771
that the percentage of the combined deduction is less than 35772
seventy-five per cent. 35773

(4) No pass-through entity may claim a deduction under this 35774
section. 35775

(5) For the purposes of sections 5747.21, 5747.22, and 35776
5748.01 of the Revised Code, the deduction allowed under this 35777
section is a deduction under division (A)(31) of section 5747.01 35778
of the Revised Code. 35779

(6) On or after January 1, 2015, the Director may transfer 35780
money from the Small Business Deduction Augmentation Fund to the 35781
General Revenue Fund, the Local Government Fund, and the Public 35782
Library Fund as necessary to offset revenue reductions resulting 35783
from the additional deduction allowed under this division. 35784

(7) For the purposes of this section, "Ohio small business 35785
investor income" has the same meaning as in division (A)(31) of 35786
section 5747.01 of the Revised Code. 35787

(D) Fourth, the Director shall reserve in the General Revenue 35788
Fund any cash from the surplus revenue remaining after the 35789
allocation in division (C) of this section. 35790

Sec. 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 35791

There is hereby established in the Highway Operating Fund 35792
(Fund 7002), used by the Department of Transportation, a Diesel 35793
Emissions Reduction Grant Program. The Director of Environmental 35794
Protection shall administer the program and shall solicit, 35795
evaluate, score, and select projects submitted by public and 35796
private entities that are eligible for the federal Congestion 35797
Mitigation and Air Quality (CMAQ) Program. The Director of 35798
Transportation shall process Federal Highway 35799
Administration-approved projects as recommended by the Director of 35800

Environmental Protection. 35801

In addition to the allowable expenditures set forth in 35802
section 122.861 of the Revised Code, Diesel Emissions Reduction 35803
Grant Program funds also may be used to fund projects involving 35804
the purchase or use of hybrid and alternative fuel vehicles that 35805
are allowed under guidance developed by the Federal Highway 35806
Administration for the CMAQ Program. 35807

Public entities eligible to receive funds under section 35808
122.861 of the Revised Code and CMAQ shall be reimbursed from 35809
moneys in the Highway Operating Fund (Fund 7002) designated for 35810
the Department of Transportation's Diesel Emissions Reduction 35811
Grant Program. 35812

Private entities eligible to receive funds under section 35813
122.861 of the Revised Code and CMAQ shall be reimbursed through 35814
transfers of cash from moneys in the Highway Operating Fund (Fund 35815
7002) designated for the Department of Transportation's Diesel 35816
Emissions Reduction Grant Program to the Diesel Emissions 35817
Reduction Fund (Fund 3FH0), used by the Environmental Protection 35818
Agency, or at the direction of the local public agency sponsor and 35819
upon approval of the Department of Transportation, through direct 35820
payments to the vendor in the prorated share of federal/state 35821
participation. Total expenditures between both the Environmental 35822
Protection Agency from appropriation item 715693, Diesel Emissions 35823
Reduction Grants and the Department of Transportation from the 35824
Highway Operating Fund (Fund 7002) for the Diesel Emissions 35825
Reduction Grant Program shall not exceed ~~the amounts appropriated~~ 35826
~~in this act for appropriation item 715693, Diesel Emissions~~ 35827
~~Reduction Grants~~ \$10,000,000 in FY 2014 and \$10,000,000 in FY 35828
2015. 35829

On or before June 30, 2014, the Director of Environmental 35830
Protection may certify to the Director of Budget and Management 35831
the amount of any unencumbered balance of the foregoing 35832

appropriation item 715693, Diesel Emissions Reduction Grants, for 35833
fiscal year 2014 to be used for the same purpose in fiscal year 35834
2015. Once the certification permitted under this section has been 35835
submitted and approved by the Director of Budget and Management, 35836
the amount approved ~~is hereby~~ may be appropriated for fiscal year 35837
2015. 35838

Any cash transfers or allocations under this section 35839
represent CMAQ program moneys within the Department of 35840
Transportation for use by the Diesel Emissions Reduction Grant 35841
Program by the Environmental Protection Agency. These allocations 35842
shall not reduce the amount of such moneys designated for 35843
metropolitan planning organizations. 35844

The Director of Environmental Protection, in consultation 35845
with the ~~directors of Development Services and~~ Director of 35846
Transportation, shall develop guidance for the distribution of 35847
funds and for the administration of the Diesel Emissions Reduction 35848
Grant Program. The guidance shall include a method of 35849
prioritization for projects, acceptable technologies, and 35850
procedures for awarding grants. 35851

Sec. 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM 35852

The Department of Mental Health and Addiction Services, in 35853
consultation with the Department of Medicaid, shall administer the 35854
Recovery Requires a Community Program to identify individuals 35855
residing in nursing facilities who can be successfully moved into 35856
a community setting with the aid of community non-Medicaid 35857
services. 35858

The Director of Mental Health and Addiction Services and the 35859
Medicaid Director shall agree upon an amount representing the 35860
savings realized from decreased nursing facility utilization to be 35861
transferred within the biennium from the Department of Medicaid to 35862
the Department of Mental Health and Addiction Services to support 35863

non-Medicaid program costs for individuals moving into community settings. 35864
35865

~~Of the foregoing appropriation item 651525, Medicaid/Health Care Services, the Medicaid Director shall transfer the amount agreed upon representing the savings from the General Revenue Fund to the Sale of Goods and Services Fund (Fund 1490). The transfer shall be made using an intrastate transfer voucher. The transferred cash is hereby appropriated to appropriation item 335609, Community Operating/Planning.~~ 35866
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The Director of Mental Health and Addiction Services and the Medicaid Director shall certify the agreed upon amount to the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management may increase appropriation item 335504, Community Innovations, up to the amount of the certification and decrease appropriation item 651525, Medicaid/Health Care Services, by an equal amount. 35873
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Section 610.21. That existing Sections 207.10, 209.30, 221.10, 241.10, 245.10, 257.10, 257.20, 259.10, 259.210, 263.10, 263.40, 263.230, 263.240, 263.250, 263.270, 263.320, 263.325, 275.10, 282.10, 282.30, 285.10, 285.20, 301.10, 301.33, 301.40, 301.143, 327.10, 327.83, 333.10, 333.80, 340.10, 349.10, 359.10, 363.10, 365.10, 395.10, 403.10, 512.70, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 130th General Assembly are hereby repealed. 35880
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Section 630.10. That Sections 207.100, 207.250, 207.340, 207.440, 221.10, 223.10, 223.30, 223.40, 239.10, 253.330, 269.10, 509.80, and 701.50 of Am. H.B. 497 of the 130th General Assembly be amended to read as follows: 35887
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Sec. 207.100. CCC CUYAHOGA COMMUNITY COLLEGE Higher Education Improvement Fund (Fund 7034) 35891
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C37838	Structural Concrete Repairs	\$	7,000,000	35893
C37839	Roof Repair and Replacements	\$	2,900,000	35894
C37840	Workforce Economic Development Renovations	\$	1,700,000	35895
C37841	St. Vincent Charity Medical Center - Geriatric Behavioral Health Project	\$	500,000	35896
C37842	Playhouse Square Ohio Theatre	\$	1,500,000	35897
C37843	Cleveland Museum of Art - Final Phase	\$	2,000,000	35898
<u>C37844</u>	<u>Rock and Roll Hall of Fame</u>	<u>\$</u>	<u>1,060,522</u>	35899
TOTAL Higher Education Improvement Fund		\$	15,600,000 <u>16,660,522</u>	35900
TOTAL ALL FUNDS		\$	15,600,000 <u>16,660,522</u>	35901

Sec. 207.250. OTC OWENS COMMUNITY COLLEGE 35903

Higher Education Improvement Fund (Fund 7034)				35904
C38816	Penta Renovations	\$	4,750,000	35905
C38826	College Hall Renovation	\$	750,000	35906
C38827	Manufacturing Training Simulators	\$	290,000	35907
<u>C38828</u>	<u>ProMedica Transformative Low Income Medical Senior Housing</u>	<u>\$</u>	<u>250,000</u>	35908
TOTAL Higher Education Improvement Fund		\$	5,790,000 <u>6,040,000</u>	35909
TOTAL ALL FUNDS		\$	5,790,000 <u>6,040,000</u>	35910

Sec. 207.340. UTO UNIVERSITY OF TOLEDO 35912

Higher Education Improvement Fund (Fund 7034)				35913
C34058	Campus Energy Cost Reduction Project	\$	1,500,000	35914
C34067	Anatomy Specimen Storage Facility	\$	3,500,000	35915
C34068	Academic Technology and Renovation Projects	\$	3,000,000	35916

C34069	Campus Infrastructure Improvements	\$	3,000,000	35917
C34070	NW Ohio Plastics Training Center	\$	2,000,000	35918
C34071	Elevator Safety Repairs and Replacements	\$	2,000,000	35919
C34072	Building Automation System Upgrades	\$	1,500,000	35920
C34073	Mechanical System Improvements	\$	1,500,000	35921
C34074	Backbone Core Router Replacements	\$	1,600,000	35922
C34075	Network Infrastructure Replacement	\$	1,400,000	35923
C34076	Northwest Ohio Food Partnership Center	\$	1,000,000	35924
C34077	Mercy College Science Facilities Expansion and Renovation	\$	500,000	35925
C34078	Northwest Ohio Workforce Development and Advanced Manufacturing Training Center	\$	1,000,000	35926
C34079	Promedica Transformative Low Income Medical Senior Housing	\$	250,000	35927
TOTAL Higher Education Improvement Fund		\$	23,750,000 <u>23,500,000</u>	35928
TOTAL ALL FUNDS		\$	23,750,000 <u>23,500,000</u>	35929

Sec. 207.440. The Ohio Public Facilities Commission is hereby 35931
authorized to issue and sell, in accordance with Section 2n of 35932
Article VIII, Ohio Constitution, and Chapter 151. and particularly 35933
sections 151.01 and 151.04 of the Revised Code, original 35934
obligations in an aggregate principal amount not to exceed 35935
~~\$506,000,000~~ \$507,000,000, in addition to the original issuance of 35936
obligations heretofore authorized by prior acts of the General 35937
Assembly. These authorized obligations shall be issued, subject to 35938
applicable constitutional and statutory limitations, as needed to 35939
provide sufficient moneys to the credit of the Higher Education 35940
Improvement Fund (Fund 7034) and the Higher Education Improvement 35941
Taxable Fund (Fund 7024) to pay costs of capital facilities as 35942
defined in sections 151.01 and 151.04 of the Revised Code for 35943
state-supported and state-assisted institutions of higher 35944

education. 35945

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 35946

SERVICES 35947

Mental Health Facilities Improvement Fund (Fund 7033) 35948

C58001 Community Assistance Projects \$ 15,000,000 35949

C58007 Infrastructure Renovations \$ 2,000,000 35950

C58021 Providence House \$ 191,640 35951

C58022 Talbert House \$ 300,000 35952

C58023 Cornerstone of Hope Butterfly Treehouse \$ 40,000 35953

C58024 Bellefaire Jewish Children's Home \$ 1,500,000 35954

C58025 Nancy's Place Replacement \$ 500,000 35955

C58026 Cocoon Shelter \$ 47,500 35956

TOTAL Mental Health Facilities Improvement Fund \$ 19,579,140 35957

TOTAL ALL FUNDS \$ 19,579,140 35958

COMMUNITY ASSISTANCE PROJECTS 35959

The foregoing appropriation for the Department of Mental 35960

Health and Addiction Services, C58001, Community Assistance 35961

Projects, may be used for facilities constructed or to be 35962

constructed pursuant to Chapter 340., 3793., 5119., 5123., or 35963

5126. of the Revised Code or the authority granted by section 35964

154.20 of the Revised Code and the rules issued pursuant to those 35965

chapters and shall be distributed by the Department of Mental 35966

Health and Addiction Services subject to Controlling Board 35967

approval. Of the forgoing appropriation item C58001, Community 35968

Assistance Projects, \$5,000,000 shall be used to expand access to 35969

recovery housing in accordance with the guidelines contained in 35970

Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly, 35971

as amended by Am. Sub. H.B. 483 of the 130th General Assembly. 35972

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 35973

Wildlife Fund (Fund 7015)			35974
C725K9	Wildlife Area Building	\$ 6,400,000	35975
	Development/Renovations		
TOTAL Wildlife Fund		\$ 6,400,000	35976
Administrative Building Fund (Fund 7026)			35977
C725D5	Fountain Square Telephone Improvements	\$ 2,250,000	35978
C725D7	MARCS Equipment	\$ 2,490,150	35979
C725E0	DNR Fairgrounds Areas Upgrading	\$ 485,000	35980
C725N7	District Office Renovations	\$ 2,000,000	35981
TOTAL Administrative Building Fund		\$ 7,225,150	35982
Ohio Parks and Natural Resources Fund (Fund 7031)			35983
C72549	Facilities Development	\$ 1,250,000	35984
C72599	State Parks, Campgrounds, Lodges, Cabins	\$ 2,600,000	35985
C725C2	Canals Hydraulics Work and Support	\$ 200,000	35986
	Facilities		
C725E1	Local Parks Projects Statewide	\$ 11,366,525	35987
		<u>7,945,485</u>	
C725E5	Project Planning	\$ 2,749,000	35988
C725J0	Natural Areas/Preserves	\$ 1,000,000	35989
	Maintenance/Facilities		
C725K0	State Park Renovations/Upgrading	\$ 13,027,940	35990
		<u>1,027,940</u>	
C725N5	Wastewater/Water Systems Upgrades	\$ 12,055,000	35991
C725N8	Operations Facilities Development	\$ 2,500,000	35992
C72501	The Wilds	\$ 500,000	35993
C725T3	Healthy Lake Erie Initiative	\$ 10,000,000	35994
C725U0	Savanna Ridge Enterprise Zone — Cleveland	\$ 500,000	35995
	Metroparks Zoo <u>Zoological Society</u>		
	<u>Savannah Ridge Project</u>		
TOTAL Ohio Parks and Natural Resources Fund		\$ 57,748,465	35996
		<u>39,727,425</u>	
Parks and Recreation Improvement Fund (Fund 7035)			35997

C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	42,050,000	35998
			<u>44,650,000</u>	
C725B2	State Park Maintenance Facility Development	\$	3,000,000	35999
C725B5	Buckeye Lake Dam Rehabilitation	\$	4,000,000	36000
C725E2	Local Parks Projects	\$	35,639,595	36001
			<u>47,006,120</u>	
C725E6	Project Planning	\$	5,901,000	36002
C725M5	Lake Erie Island State Park/Middle Bass Island State Park	\$	6,000,000	36003
<u>C725R3</u>	<u>State Park Renovations Upgrades</u>	\$	<u>12,000,000</u>	36004
C725R4	Dam Rehabilitation - Parks	\$	41,100,000	36005
TOTAL Parks and Recreation Improvement Fund		\$	137,690,595	36006
			<u>163,657,120</u>	
Clean Ohio Trail Fund (Fund 7061)				36007
C72514	Clean Ohio Trail Fund	\$	12,500,000	36008
TOTAL Clean Ohio Trail Fund		\$	12,500,000	36009
Waterways Safety Fund (Fund 7086)				36010
C725A7	Cooperative Funding for Boating Facilities	\$	9,200,000	36011
C725N9	Operations Facilities Development	\$	820,000	36012
C725Q6	Facilities Development	\$	5,363,274	36013
TOTAL Waterways Safety Fund		\$	15,383,274	36014
TOTAL ALL FUNDS		\$	236,947,484	36015
			<u>244,892,969</u>	
FEDERAL REIMBURSEMENT				36016
All reimbursements received from the federal government for				36017
any expenditures made pursuant to this section shall be deposited				36018
in the state treasury to the credit of the Parks and Recreation				36019
Improvement Fund (Fund 7035) <u>fund from which the expenditure</u>				36020
<u>originated.</u>				36021
LOCAL PARK PROJECTS STATEWIDE				36022

~~Of the foregoing appropriation item C725E1, Local Parks 36023
Projects Statewide, an amount equal to two per cent of the 36024
projects listed may be used by the Department of Natural Resources 36025
for the administration of local projects, \$3,500,000 shall be used 36026
for the Flats East Gateway and Riverfront Park, \$1,000,000 shall 36027
be used for the City of Celina Boardwalk, \$1,000,000 shall be used 36028
for the Middletown River Center, \$1,000,000 shall be used for the 36029
Voice of America Multi Purpose Field and Athletic Complex, 36030
\$1,000,000 shall be used for the Euclid Waterfront Improvements 36031
Plan — Phase II Implementation, \$875,000 shall be used for the 36032
Preble County Agricultural Facility Improvements, \$500,000 shall 36033
be used for the New Economy Neighborhood — Phase II, \$500,000 36034
shall be used for the Nimisila Spillway Replacement Project, 36035
\$350,000 shall be used for the Perry Township Park Lakeshore 36036
Stabilization, \$300,000 shall be used for the Fairfield Sports 36037
Complex Entrance, \$250,000 shall be used for the Riverfront 36038
Enhancement, \$250,000 shall be used for the Earl Thomas Conley 36039
Riverside Park Campground, \$150,000 shall be used for the Treasure 36040
Island River Corridor Improvement, \$150,000 shall be used for the 36041
Russ Nature Reserve, \$100,000 shall be used for the Hillsboro 36042
North High Trail and Pedestrian Bridge, \$100,000 shall be used for 36043
the PASA Field Lighting, \$100,000 shall be used for the Gallipolis 36044
Riverfront Project — Phase I, \$80,000 shall be used for the Black 36045
River Landing Pavilion, \$50,000 shall be used for the Loudonville 36046
Public Swimming Pool, \$35,000 shall be used for the A.S.K. 36047
Playground, \$30,000 shall be used for the Medina Community 36048
Recreation Center, \$25,000 shall be used for the Newbury Veterans' 36049
Memorial Park, and \$21,525 shall be used for the Black Swamp 36050
Education Center Parking Lot. 36051~~

LOCAL PARKS PROJECTS 36052

Of the foregoing appropriation item C725E2, Local Parks 36053
Projects, an amount equal to two per cent of the projects listed 36054

may be used by the Department of Natural Resources for the 36055
administration of local projects, \$15,000,000 shall be used for 36056
the Veterans Memorial, \$5,000,000 shall be used for the City of 36057
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 36058
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 36059
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 36060
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami 36061
Scenic Trail- Bridge Construction, \$500,000 shall be used for the 36062
Shaker Heights Van Aken District, \$500,000 shall be used for the 36063
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy 36064
Greenway Trail Highbanks Connector, \$500,000 shall be used for 36065
Hilliard Station Park, \$500,000 shall be used for the MidPointe 36066
Crossing - Swift Park, \$500,000 shall be used for the Smale 36067
Riverfront Park, \$500,000 shall be used for the Green Township 36068
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used 36069
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall 36070
be used for the City of Sylvania River Trail, \$285,545 shall be 36071
used for the Celina Westview Park Quad, \$250,000 shall be used for 36072
the New Bremen Lions Park Development, \$250,000 shall be used for 36073
the Montgomery County Agricultural Facility Improvements, \$250,000 36074
shall be used for Northam Park, \$250,000 shall be used for the 36075
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for 36076
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel 36077
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike 36078
Path, \$150,000 shall be used for the Logan County Agricultural 36079
Facility Improvements, \$150,000 shall be used for the Help All 36080
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used 36081
for York Township Park, \$150,000 shall be used for Eastview Park, 36082
\$120,000 shall be used for the Shelby County Agricultural Facility 36083
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 36084
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 36085
shall be used for the Shanes Park Expansion, \$92,000 shall be used 36086
for the Defiance County Agricultural Facility Improvements, 36087

\$50,000 shall be used for the Moonville Rail Trail Bridges and Construction, \$50,000 shall be used for the All-Pro Freight Stadium Improvements, \$50,000 shall be used for the Bowling Green Nature Center, \$49,000 shall be used for the Lynchburg Old School Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, \$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 shall be used for the Round Town Bike Trail, and \$27,750 shall be used for the Shalersville Park Walking Trail, \$3,500,000 shall be used for the Flats East Gateway and Riverfront Park, \$1,000,000 shall be used for the City of Celina Boardwalk, \$1,000,000 shall be used for the Middletown River Center, \$1,000,000 shall be used for the Voice of America Multi-Purpose Field and Athletic Complex, \$1,000,000 shall be used for the Euclid Waterfront Improvements Plan - Phase II Implementation, \$875,000 shall be used for the Preble County Agricultural Facility Improvements, \$500,000 shall be used for the New Economy Neighborhood - Phase II, \$500,000 shall be used for the Nimisila Spillway Replacement Project, \$350,000 shall be used for the Perry Township Park Lakeshore Stabilization, \$300,000 shall be used for the Fairfield Sports Complex Entrance, \$250,000 shall be used for the Riverfront Enhancement, \$250,000 shall be used for the Earl Thomas Conley Riverside Park Campground, \$150,000 shall be used for the Treasure Island River Corridor Improvement, \$150,000 shall be used for the Russ Nature Reserve, \$100,000 shall be used for the Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall be used for the PASA Field Lighting, \$100,000 shall be used for the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used for the Black River Landing Pavilion, \$50,000 shall be used for the Loudonville Public Swimming Pool, \$35,000 shall be used for the A.S.K. Playground, \$30,000 shall be used for the Medina Community Recreation Center, \$25,000 shall be used for the Newbury Veterans'

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Memorial Park, and \$21,525 shall be used for the Black Swamp 36121
Education Center Parking Lot. 36122

Sec. 223.30. The Ohio Public Facilities Commission is hereby 36123
authorized to issue and sell, in accordance with Section 21 of 36124
Article VIII, Ohio Constitution, and Chapter 151. and particularly 36125
sections 151.01 and 151.05 of the Revised Code, original 36126
obligations in an aggregate principal amount not to exceed 36127
~~\$58,000,000~~ \$40,000,000 in addition to the original issuance of 36128
obligations heretofore authorized by prior acts of the General 36129
Assembly. These authorized obligations shall be issued, subject to 36130
applicable constitutional and statutory limitations, as needed to 36131
provide sufficient moneys to the credit of the Ohio Parks and 36132
Natural Resources Fund (Fund 7031) to pay costs of capital 36133
facilities as defined in sections 151.01 and 151.05 of the Revised 36134
Code. 36135

Sec. 223.40. The Treasurer of State is hereby authorized to 36136
issue and sell, in accordance with Section 2i of Article VIII, 36137
Ohio Constitution, and Chapter 154. of the Revised Code, 36138
particularly section 154.22 of the Revised Code, original 36139
obligations in an aggregate principal amount not to exceed 36140
~~\$139,000,000~~ \$165,000,000, in addition to the original issuance of 36141
obligations heretofore authorized by prior acts of the General 36142
Assembly. These authorized obligations shall be issued, subject to 36143
applicable constitutional and statutory limitations, as needed to 36144
provide sufficient moneys to the credit of the Parks and 36145
Recreation Improvement Fund (Fund 7035) to pay the costs of 36146
capital facilities for parks and recreation as defined in section 36147
154.01 of the Revised Code. 36148

Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION 36149
Lottery Profits Education Fund (Fund 7017) 36150

C23014	Classroom Facilities Assistance Program	\$	100,000,000	36151
	- Lottery Profits			
TOTAL	Lottery Profits Education Fund	\$	100,000,000	36152
	<u>Public School Building Fund (Fund 7021)</u>			36153
C230V9	<u>School Security Grants</u>	\$	<u>17,345,000</u>	36154
TOTAL	<u>Public School Building Fund</u>	\$	<u>17,345,000</u>	36155
	Administrative Building Fund (Fund 7026)			36156
C23016	Energy Conservation Projects	\$	3,000,000	36157
C230E5	State Agency Planning/Assessment	\$	500,000	36158
TOTAL	Administrative Building Fund	\$	3,500,000	36159
	Cultural and Sports Facilities Building Fund (Fund 7030)			36160
C23022	Woodward Opera House Redevelopment	\$	100,000	36161
C23023	OHS - Ohio History Center Exhibit	\$	840,750	36162
	Replacement			
C23024	OHS - Statewide Site Exhibit Renovation	\$	420,000	36163
C23025	OHS - Statewide Site Repairs	\$	1,152,700	36164
C23027	OHS - Zoar Village Building Restoration	\$	502,500	36165
C23028	OHS - Basic Renovations and Emergency	\$	850,000	36166
	Repairs			
C23030	OHS - Rankin House State Memorial	\$	653,000	36167
C23031	OHS - Harding Home State Memorial	\$	250,000	36168
C23032	OHS - Ohio Historical Center	\$	985,000	36169
	Rehabilitation			
C23033	OHS - Stowe House State Memorial	\$	300,000	36170
C23038	OHS - Fort Amanda State Memorial	\$	395,000	36171
C23042	Tecumseh - Sugarloaf Mountain	\$	33,500	36172
	Amphitheatre			
C23044	OHS - Ohio River Museum	\$	52,200	36173
C23045	OHS - Lockington Locks Stabilization	\$	358,900	36174
C23057	OHS - Online Portal to Ohio's Heritage	\$	1,246,000	36175
C23059	Lake Erie Nature and Science Center	\$	300,000	36176
C23068	Huntington House	\$	75,000	36177

C23077	Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000	36178
C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522	36179
C23091	Ohio Theatre - Toledo	\$	201,000	36180
C23098	Twin City Opera House	\$	400,000	36181
C230A1	Preble County Historical Society	\$	50,000	36182
C230A6	Secrest Auditorium Renovation	\$	125,000	36183
C230B1	Karamu House	\$	1,060,522	36184
C230C5	OHS - Collections Storage Facility Object Evaluation	\$	212,000	36185
C230C6	OHS - Historic Site Signage	\$	300,000	36186
C230C8	OHS - Serpent Mound	\$	397,900	36187
C230D1	OHS - Great Circle Earthworks	\$	75,000	36188
C230D4	OHS - Fort Laurens	\$	45,000	36189
C230E6	OHS - Exhibits for Native American Sites	\$	500,000	36190
C230E7	OHS - Hayes Presidential Center	\$	50,000	36191
C230E8	OHS - Armstrong Air and Space Museum	\$	45,000	36192
C230E9	OHS - Museum of Ceramics	\$	223,850	36193
C230F1	OHS - Campus Martius Museum	\$	145,200	36194
C230F2	Second Century Project	\$	200,000	36195
C230F3	Stuart's Opera House	\$	500,000	36196
C230F4	The Gordon, Hauss, Folk Company Mill	\$	250,000	36197
C230F5	Thatcher Temple Art Building	\$	37,500	36198
C230F6	Fitton Center for Creative Arts	\$	100,000	36199
C230F7	Oxford Community Arts Center	\$	450,000	36200
C230F8	Gammon House Improvements	\$	75,000	36201
C230F9	Clark State Community College Performing Arts Center	\$	275,000	36202
C230G1	Murphy Theatre	\$	150,000	36203
C230G2	Johnson-Humrick House Museum	\$	57,960	36204
C230G3	Public artPARK	\$	200,000	36205
C230G4	Schines Art Park	\$	357,500	36206
C230G5	Bedford Historical Society	\$	100,000	36207

C230G6	Rainey Institute - Safe Parking	\$	\$125,000	36208
C230G7	Ukrainian Museum - Archives	\$	125,000	36209
C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	36210
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	36211
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	36212
C230H2	Cozad Bates House	\$	365,131	36213
C230H3	Beck Center	\$	402,349	36214
C230H5	University Hospital Seidman Cancer Center Proton Therapy Center	\$	500,000	36215
C230H7	Western Reserve Historical Society	\$	750,000	36216
C230H9	Gordon Square Arts District	\$	1,000,000	36217
C230J1	Rock and Roll Hall of Fame	\$	1,060,522	36218
C230J4	Cleveland Museum of Natural History	\$	2,500,000	36219
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	36220
C230J6	West Side Market Renovation	\$	500,000	36221
C230J7	Cardinal Center	\$	75,000	36222
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	36223
C230J9	St. Clair Memorial Hall	\$	500,000	36224
C230K1	Historic Strand Theatre Renovation	\$	150,000	36225
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	36226
C230K3	African-American Legacy Project	\$	75,000	36227
C230K4	Ohio Glass Museum Furnace System	\$	10,000	36228
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	36229
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	36230
C230K7	Georgian Museum Storage Facility	\$	30,000	36231
C230K8	Sherman House Museum	\$	35,000	36232
C230K9	Washington Court House Auditorium Project	\$	100,000	36233

C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	36234
C230L2	Glass Axis Relocation	\$	150,000	36235
C230L3	Harmony Project	\$	300,000	36236
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000	36237
C230L5	Columbus Theater-Based Community Development Project	\$	1,000,000	36238
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	36239
C230L7	Sauder Village - 1920 Homestead	\$	300,000	36240
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	36241
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	36242
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	36243
C230M2	Geauga County Historical Society	\$	56,000	36244
C230M3	Chardon Lyric Theatre	\$	50,000	36245
C230M4	Chardon Heritage House	\$	200,000	36246
C230M5	Incline Theater Project	\$	550,000	36247
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	36248
C230M7	Hamilton County Memorial Hall	\$	2,000,000	36249
C230M8	Cincinnati Zoo	\$	2,000,000	36250
C230M9	Union Terminal Restoration	\$	5,000,000	36251
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	36252
C230N2	Kan Du Community Arts Center	\$	520,000	36253
C230N3	Findlay Central Auditorium	\$	1,000,000	36254
C230N4	Appalachian Forest Museum	\$	100,000	36255
C230N5	Logan Theater	\$	25,000	36256
C230N6	Willard Train Viewing Platform	\$	50,000	36257
C230N7	Markay Theatre Renovation	\$	150,000	36258
C230N8	Grand Theater Restoration Project	\$	140,000	36259

C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	36260
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	36261
C230P2	Ironton Cultural Arts Operations Facility	\$	100,000	36262
C230P3	Sterling Theater Revitalization Project	\$	200,000	36263
C230P4	Logan County Veterans' Memorial Hall	\$	250,000	36264
C230P5	Columbia Station 1812 Block House Project	\$	28,000	36265
C230P6	Avon Isle Renovation Phase 2	\$	82,775	36266
C230P7	Oberlin Gasholder Building/Underground Railroad Center	\$	200,000	36267
C230P8	Carnegie Building Renovation	\$	500,000	36268
C230P9	Toledo Zoo	\$	750,000	36269
C230Q1	Imagination Station Improvements	\$	695,000	36270
C230Q2	War of 1812 Exhibit	\$	35,000	36271
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	36272
C230Q4	Toledo Repertoire Theatre	\$	150,000	36273
C230Q5	Valentine Theatre Initiative	\$	136,000	36274
C230Q6	Southern Park Historic District	\$	250,000	36275
C230Q7	Butler Institute of Art	\$	279,717	36276
C230Q8	Stambaugh Auditorium	\$	500,000	36277
C230Q9	Marion Palace Theatre	\$	731,000	36278
C230R1	Bradford Rail Museum	\$	275,000	36279
C230R2	K12 and TEJAS Building Project	\$	50,000	36280
C230R3	River Run Murals Project	\$	82,500	36281
C230R4	Dayton Contemporary Dance Company Studio Renovations	\$	125,000	36282
C230R5	Wright Company Factory Project	\$	250,000	36283
C230R6	Victoria Theatre and Metropolitan Arts Center	\$	825,000	36284
C230R7	Preserving & Updating the Historic	\$	2,198,500	36285

	Dayton Art Institute			
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000	36286
C230R9	Opera House Project	\$	100,000	36287
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000	36288
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	36289
C230S3	Hayden Auditorium - Hiram	\$	260,854	36290
C230S4	Majestic Theater Renovation	\$	36,000	36291
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	36292
C230S6	Pumphouse Center for the Arts	\$	130,000	36293
C230S7	Historic Sidney Theatre	\$	500,000	36294
C230S8	Pro Football Hall of Fame	\$	10,000,000	36295
C230S9	Park Theater Renovation	\$	159,078	36296
C230T1	Akron Civic Theater	\$	530,261	36297
C230T2	John Brown House and Grounds	\$	50,000	36298
C230T3	Hale Farm	\$	500,000	36299
C230T4	Urichsville Clay Museum	\$	150,000	36300
C230T5	Mason Historical Society	\$	350,000	36301
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	36302
C230T7	Historic Theatre Restoration	\$	500,000	36303
C230T8	County Line Historical Society	\$	46,000	36304
C230T9	Pemberville Opera House Elevator Project	\$	220,000	36305
C230U1	Wood County Historical Center & Museum Accessibility Project	\$	600,000	36306
C230U2	Avon Lake - Folger House	\$	150,000	36307
C230U3	DeYor Performing Arts Center	\$	100,000	36308
TOTAL	Cultural and Sports Facilities Building Fund	\$	76,400,704 <u>75,340,182</u>	36309
	School Building Program Assistance Fund (Fund 7032)			36310
C23002	School Building Program Assistance	\$	575,000,000	36311

TOTAL School Building Program Assistance Fund	\$ 575,000,000	36312
TOTAL ALL FUNDS	\$ 754,900,704	36313
	<u>771,185,182</u>	

SCHOOL SECURITY GRANTS 36314

The foregoing appropriation item C230V9, School Security Grants, shall be used by the School Facilities Commission to provide funding to all public and chartered nonpublic schools for the purchase and installation of one Multi-Agency Radio Communications System (MARCS) unit per school building and a security door system, consisting of a security camera, an intercom, and remote access, at one main entrance per school building. If law enforcement agencies with jurisdiction over all or a portion of the geographical area of a public or chartered nonpublic school do not use MARCS, a public or chartered nonpublic school may purchase one emergency communications system compatible with the system or systems in use by law enforcement agencies with jurisdiction over the school territory. A public or chartered nonpublic school may apply to the School Facilities Commission for reimbursement up to \$2,000 for one MARCS unit or other emergency communications system per school building and up to \$5,000 for costs incurred with the purchase of a security door system installed on or after January 1, 2013. A public or chartered nonpublic school may receive reimbursement for either a MARCS unit or another emergency communications system, but not both. A school previously awarded funds for one of the grant items under this program may not receive a second award for that same grant item.

STATE AGENCY PLANNING/ASSESSMENT 36337

The foregoing appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management.

GEAUGA COUNTY HISTORICAL SOCIETY 36342

Of the foregoing appropriation item C230M2, Geauga County 36343
Historical Society, \$12,000 shall be used for Geauga Historical 36344
Society - White Barn Restoration, \$18,000 shall be used for Geauga 36345
Historical Society - Maple Museum, and \$26,000 shall be used for 36346
Gauga Historical Society - Lennah Bond Center. 36347

SCHOOL BUILDING PROGRAM ASSISTANCE 36348

The foregoing appropriation item C23002, School Building 36349
Program Assistance, shall be used by the School Facilities 36350
Commission to provide funding to school districts that receive 36351
conditional approval from the Commission pursuant to Chapter 3318. 36352
of the Revised Code. 36353

Reappropriations

Sec. 253.330. UCN UNIVERSITY OF CINCINNATI 36354
Higher Education Improvement Fund (Fund 7034) 36355
C26530 Medical Science Building Renovation and \$ 9,700,000 36356
Expansion
C26553 Developmental Neurobiology \$ 294,637 36357
C26586 People Working Cooperatively \$ 100,000 36358
C26604 Barrett Cancer Center \$ 26,765 36359
C26606 Hebrew Union College \$ 119,167 36360
C26615 Beech Acres \$ 3,665 36361
~~C26616 Forest Park Homeland Security Facility \$ 50,000 36362~~
C26628 Rieveschl 500 Teaching Lab \$ 67,303 36363
C26657 Blue Ash City Conference Center \$ 150,000 36364
C26666 Snyder Building Roof Replacement - \$ 1,455,000 36365
Clermont
C26669 General Electric Aviation Research Center \$ 4,850,000 36366
C26671 Muntz Hall Renovations, 100 Level \$ 298,290 36367
C26673 MRI Pilot Microfactory \$ 77,600 36368
C26675 Kettering Lab - Mechanical and Electrical \$ 286,152 36369
Renovation

C26680	Muntz Hall Rehabilitation - Phase 1	\$	1,150,000	36370
C26681	Institutional Roof Replacements	\$	815,000	36371
<u>C26686</u>	<u>Hamilton County Fairgrounds Improvements</u>	<u>\$</u>	<u>50,000</u>	36372
TOTAL	Higher Education Improvement Fund	\$	19,443,579	36373
TOTAL	ALL FUNDS	\$	19,443,579	36374

KETTERING LAB - MECHANICAL AND ELECTRICAL RENOVATION 36375

The amount reappropriated for the foregoing appropriation 36376
item C26675, Kettering Lab - Mechanical and Electrical Renovation, 36377
is the unencumbered and unallotted balance as of June 30, 2014, in 36378
appropriation item C26675, Kettering Lab - Mechanical and 36379
Electrical Renovation, plus the unencumbered and unallotted 36380
balance as of June 30, 2014, in appropriation items C26541, 36381
Student Services, and C26571, Gas Turbine Spray Combustion. 36382

MUNTZ HALL REHABILITATION - PHASE 1 36383

The amount reappropriated for the foregoing appropriation 36384
item C26680, Muntz Hall Rehabilitation - Phase 1, is the 36385
unencumbered and unallotted balance as of June 30, 2014, in 36386
appropriation item C26680, Muntz Hall Rehabilitation - Phase 1, 36387
plus the unencumbered and unallotted balance as of June 30, 2014, 36388
in appropriation items C26502, Raymond Walters Renovations, and 36389
C26667, Muntz Hall Roof Replacement - Blue Ash. 36390

INSTITUTIONAL ROOF REPLACEMENTS 36391

The amount reappropriated for the foregoing appropriation 36392
item C26681, Institutional Roof Replacements, is the unencumbered 36393
and unallotted balance as of June 30, 2014, in appropriation item 36394
C26681, Institutional Roof Replacements, plus the unencumbered and 36395
unallotted balance as of June 30, 2014, in appropriation item 36396
C26665, Health Professions Building Roof Repairs. 36397

HAMILTON COUNTY FAIRGROUNDS IMPROVEMENTS 36398

The amount reappropriated for the foregoing appropriation 36399
item C26686, Hamilton County Fairgrounds Improvements, is the 36400

unencumbered and unallotted balance as of June 30, 2014, in 36401
appropriation item C26686, Hamilton County Fairgrounds 36402
Improvements, plus the unencumbered and unallotted balance as of 36403
June 30, 2014, in appropriation item C26616, Forest Park Homeland 36404
Security Facility. 36405

Reappropriations

Sec. 269.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 36406
SERVICES 36407
Mental Health Facilities Improvement Fund (Fund 7033) 36408
C58000 Hazardous Materials Abatement \$ 121,250 36409
C58001 Community Assistance Projects \$ 485,000 36410
C58004 Demolition \$ 145,500 36411
C58006 Patient Care/Environment Improvement \$ 291,000 36412
C58007 Infrastructure Renovations \$ 485,000 36413
C58008 Emergency Improvements \$ 291,000 36414
C58009 Patient Environment Improvement \$ 1,202 36415
Consolidation
C58010 Campus Consolidation \$ 4,850,000 36416
C58020 Mandel Jewish Community Center \$ 210,000 36417
TOTAL Mental Health Facilities Improvement Fund \$ 6,879,952 36418
TOTAL ALL FUNDS \$ 6,879,952 36419

INFRASTRUCTURE RENOVATIONS 36420

The amount reappropriated for the foregoing appropriation 36421
item C58007, Infrastructure Renovations, is the unencumbered and 36422
unallotted balance as of June 30, 2014, plus \$2,225,572. Prior to 36423
the expenditure of this reappropriation, the Director of Mental 36424
Health and Addiction Services shall certify to the Director of 36425
Budget and Management canceled encumbrances in the amount of at 36426
least \$2,225,572. 36427

Sec. 509.80. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 36428

MANAGEMENT 36429

The Director of Budget and Management shall authorize both of 36430
the following: 36431

(A) The initial release of moneys for projects from the funds 36432
into which proceeds of direct obligations of the state are 36433
deposited; and 36434

(B) The expenditure or encumbrance of moneys from funds into 36435
which proceeds of direct obligations are deposited, only after 36436
determining to the director's satisfaction that either of the 36437
following applies: 36438

(1) The application of such moneys to the particular project 36439
will not negatively affect any ~~exemption or~~ exclusion from federal 36440
~~income tax~~ of the interest or interest equivalent on obligations, 36441
issued to provide moneys to the particular fund from the 36442
calculation of gross income for federal income tax purposes under 36443
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 36444
as amended. 36445

(2) Moneys for the project will come from the proceeds of 36446
federally taxable obligations, the interest on which is not so 36447
~~excluded or exempt~~ from the calculation of gross income for 36448
federal income tax purposes and which have been authorized as 36449
~~"taxable obligations"~~ and issued on that basis by the their 36450
issuing authority. 36451

~~The In the event the~~ director shall report any nonrelease of 36452
~~moneys pursuant to this section to the Governor, the presiding~~ 36453
~~officer of each house of the General Assembly, and the agency for~~ 36454
~~the use of which the project is intended~~ determines that the 36455
condition set forth in division (B)(1) of this section does not 36456
apply, and that there is no existing fund in the state treasury to 36457
enable compliance with the condition set forth in division (B)(2) 36458

of this section, the director may create a fund in the state 36459
treasury for the purpose of receiving proceeds of federally 36460
taxable obligations. The director may establish capital 36461
appropriation items in that taxable bond fund that correspond to 36462
the preexisting capital appropriation items in the associated 36463
tax-exempt bond fund. The director also may transfer capital 36464
appropriations in whole or in part between the taxable and 36465
tax-exempt bond funds within a particular purpose for which the 36466
bonds have been authorized. 36467

Sec. 701.50. DISASTER SERVICES 36468

Notwithstanding any other provision of law, upon the request 36469
of the Department of Public Safety, the Controlling Board may 36470
approve the transfer of up to ~~\$4,000,000~~ \$8,000,000 from the 36471
Disaster Services Fund (Fund 5E20) to a fund and appropriation 36472
item used by the Department of Public Safety for Putnam County 36473
flood mitigation projects. Moneys in the designated fund shall be 36474
awarded to the local public agency that is leading the projects. 36475

Section 630.11. That existing Sections 207.100, 207.250, 36476
207.340, 207.440, 221.10, 223.10, 223.30, 223.40, 239.10, 253.330, 36477
269.10, 509.80, and 701.50 of Am. H.B. 497 of the 130th General 36478
Assembly are hereby repealed. 36479

Section 640.10. That Section 9 of Am. Sub. S.B. 206 of the 36480
130th General Assembly be amended to read as follows: 36481

Sec. 9. All items in this section are hereby appropriated as 36482
designated out of any moneys in the state treasury to the credit 36483
of the designated fund. For all appropriations made in this act, 36484
those in the first column are for fiscal year 2014 and those in 36485
the second column are for fiscal year 2015. The appropriations 36486
made in this act are in addition to any other appropriations made 36487

for the FY 2014-FY 2015 biennium.				36488
			Appropriations	
			JMO JOINT MEDICAID OVERSIGHT COMMITTEE	36489
General Revenue Fund				36490
GRF 048321 Operating Expenses	\$	350,000	\$ 500,000	36491
TOTAL GRF General Revenue Fund	\$	350,000	\$ 500,000	36492
TOTAL ALL BUDGET FUND GROUPS	\$	350,000	\$ 500,000	36493
OPERATING EXPENSES				36494
The foregoing appropriation item 048321, Operating Expenses,				36495
shall be used to support expenses related to the Joint Medicaid				36496
Oversight Committee created by section 103.41 of the Revised Code.				36497
<u>On July 1, 2014, or as soon as possible thereafter, the</u>				36498
<u>Executive Director of the Joint Medicaid Oversight Committee may</u>				36499
<u>certify to the Director of Budget and Management the amount of the</u>				36500
<u>unexpended, unencumbered balance of the foregoing appropriation</u>				36501
<u>item 048321, Operating Expenses, at the end of fiscal year 2014 to</u>				36502
<u>be reappropriated to fiscal year 2015. The amount certified is</u>				36503
<u>hereby reappropriated to the same appropriation item for fiscal</u>				36504
<u>year 2015.</u>				36505
Section 640.11. That existing Section 9 of Am. Sub. S.B. 206				36506
of the 130th General Assembly is hereby repealed.				36507
Section 690.10. That Section 747.40 of Am. Sub. H.B. 59 of				36508
the 130th General Assembly is hereby repealed.				36509
Section 701.20. The compensation and reimbursement for				36510
expenses added by this act to section 103.41 of the Revised Code				36511
are available to only a member of the Joint Medicaid Oversight				36512
Committee whose term in the General Assembly begins on or after				36513
the effective date of this section.				36514

Section 719.10. On and after the effective date of this act, 36515
the full-time judge of the Avon Lake Municipal Court, who prior to 36516
the effective date of this act was the part-time judge of that 36517
court, shall perform the duties of a full-time judge of a 36518
municipal court, shall receive the salary specified in law for a 36519
full-time judge of a municipal court, and shall be subject to any 36520
restriction specified in law for a full-time judge of a municipal 36521
court. 36522

Section 729.10. (A)(1) There is hereby created the Criminal 36523
Justice Recodification Committee, consisting of twenty-one 36524
members. Two members shall be members of the Senate, appointed by 36525
the President of the Senate. Two members shall be members of the 36526
House of Representatives, appointed by the Speaker of the House of 36527
Representatives. One member shall be the Director of 36528
Rehabilitation and Correction or the Director's individual 36529
designee. One member shall be the Director of Youth Services or 36530
the Director's individual designee. Three members, not more than 36531
two of whom shall be members of the same political party, shall be 36532
judges jointly appointed by the President of the Senate and the 36533
Speaker of the House of Representatives after consulting with the 36534
Chief Justice of the Supreme Court, with each judge being a judge 36535
of a court of appeals, judge of a court of common pleas, judge of 36536
a municipal court, or judge of a county court. The following 36537
twelve members, not more than seven of whom shall be members of 36538
the same political party, shall be jointly appointed by the 36539
President of the Senate and the Speaker of the House of 36540
Representatives after consulting with the appropriate state 36541
associations, if any, that are represented by these members: one 36542
sheriff; one peace officer of a municipal corporation or township; 36543
three prosecutors, each of whom is a county prosecuting attorney 36544
or a full-time city prosecuting attorney; three attorneys whose 36545

practice of law primarily involves the representation of criminal 36546
defendants; one member of the Ohio State Bar Association; one 36547
representative of community corrections programs; one 36548
representative of community addiction services providers or 36549
community mental health services providers; and one representative 36550
of a juvenile justice organization. 36551

All appointed members of the Committee shall be appointed by 36552
the specified appointing authority not later than thirty days 36553
after the effective date of this section. All members of the 36554
Committee who are elected officials and whose term of office 36555
expires prior to January 1, 2016, shall serve until the expiration 36556
of their term of office. Any vacancy on the Committee shall be 36557
filled in the same manner as the original appointment. 36558

When the President of the Senate and the Speaker of the House 36559
of Representatives make their appointments to the Committee, they 36560
shall consider adequate representation by race and gender. 36561

(2) As used in division (A)(1) of this section: 36562

(a) "Community addiction services provider" and "community 36563
mental health services provider" have the same meanings as in 36564
section 5119.01 of the Revised Code. 36565

(b) "Community corrections programs" has the same meaning as 36566
in section 5149.30 of the Revised Code. 36567

(B) The Committee initially shall meet not later than sixty 36568
days after the effective date of this act. At its initial meeting, 36569
the Committee shall organize, select a Chairperson and 36570
Vice-chairperson and any other necessary officers, and adopt rules 36571
to govern its proceedings. The Committee shall meet as necessary 36572
at the call of the Chairperson or on the written request of seven 36573
or more of its members. Eleven members of the Committee constitute 36574
a quorum, and the votes of a majority of the quorum present shall 36575

be required to validate any action of the Committee. All business 36576
of the Committee shall be conducted in public meetings. 36577

The members of the Committee shall serve without 36578
compensation, but each member shall be reimbursed for the member's 36579
actual and necessary expenses incurred in the performance of the 36580
member's official duties on the Committee. In the absence of the 36581
Chairperson, the Vice-chairperson shall perform the duties of the 36582
Chairperson. 36583

(C) The Committee has the same powers as other standing or 36584
select committees of the General Assembly. The Committee may 36585
consult with, and seek and obtain research and technical services 36586
and support from, any individual, organization, association, 36587
college, or university. All state and local government agencies 36588
and entities shall cooperate with the Committee in the performance 36589
of its duties under this section and Section 729.11 of this act. 36590

Section 729.11. (A) The Criminal Justice Recodification 36591
Committee shall study the existing criminal statutes of this 36592
state, with the goal of enhancing public safety and the 36593
administration of criminal justice in Ohio by eliminating 36594
duplication in those statutes, aligning those statutes with the 36595
purpose of defining a culpable mental state for all crimes, 36596
removing or revising crimes included in those statutes for which 36597
no culpable mental state is provided, and other appropriate 36598
measures. The Committee shall use the results of its study to 36599
develop and recommend to the General Assembly a comprehensive plan 36600
for revising the state's Criminal Code that is consistent with 36601
those specified goals of the study. 36602

(B) Not later than January 1, 2016, the Criminal Justice 36603
Recodification Committee shall recommend to the General Assembly a 36604
comprehensive plan for revising the state's Criminal Code that is 36605
consistent with the goals of the Committee's study that are 36606

specified in division (A) of this section. 36607

(C) Upon its submission to the General Assembly pursuant to 36608
division (B) of this section of its recommendations for a 36609
comprehensive plan for revising the state's Criminal Code, the 36610
Criminal Justice Recodification Committee shall cease to exist. 36611

Section 733.10. (A) As used in this section: 36612

(1) "Eligible individual" has the same meaning as in section 36613
3317.23 of the Revised Code as enacted by this act. 36614

(2) "Eligible institution" has the same meaning as in section 36615
3345.86 of the Revised Code as enacted by this act. 36616

(B) For fiscal year 2015, the combined enrollment in city, 36617
local, and exempted village school districts under division (B) of 36618
section 3317.23 of the Revised Code, joint vocational school 36619
districts under division (B) of section 3317.24 of the Revised 36620
Code, community school dropout prevention and recovery programs 36621
under division (A) of section 3314.38 of the Revised Code, and 36622
eligible institutions under division (B) of section 3345.86 of the 36623
Revised Code of individuals who are at least twenty-two years of 36624
age shall be limited to 1,000 eligible individuals on a full-time 36625
equivalency basis as determined by the Department of Education. 36626

Section 733.20. Not later than December 31, 2015, the 36627
Department of Education shall prepare and submit a report to the 36628
General Assembly, in accordance with section 101.68 of the Revised 36629
Code, regarding services provided to individuals who are at least 36630
twenty-two years of age under sections 3314.38, 3317.23, 3317.24, 36631
and 3345.86 of the Revised Code as enacted by this act. 36632

Section 733.30. The Ohio Retirement Study Council, in 36633
cooperation with the State Teachers Retirement Board, shall 36634
develop a procedure to determine if an individual having a license 36635

issued pursuant to sections 3319.22 to 3319.31 of the Revised Code 36636
and performing services that are funded under section 3317.06 of 36637
the Revised Code and provided to students attending nonpublic 36638
schools, without regard to whether the services are performed in a 36639
public school and whether the person is employed under a contract 36640
with a third party, is a teacher under the State Teachers 36641
Retirement System. The Ohio Retirement Study Council shall make 36642
their recommendation to the Board no later than December 31, 2014. 36643

Section 745.10. (A) There is hereby created the Maritime Port 36644
Funding Study Committee. The committee shall consist of the 36645
following ten members who shall be appointed not later than thirty 36646
days after the effective date of this section: 36647

(1) Two members of the Senate, one of whom shall be a member 36648
of the majority party and one of whom shall be a member of the 36649
minority party, both appointed by the President of the Senate; 36650

(2) Two members of the House of Representatives, one of whom 36651
shall be a member of the majority party and one of whom shall be a 36652
member of the minority party, both appointed by the Speaker of the 36653
House of Representatives; 36654

(3) Two members appointed by the Governor, one of whom shall 36655
be from the Ohio Department of Transportation and be knowledgeable 36656
about maritime ports and one of whom shall be from the Development 36657
Services Agency; 36658

(4) Four members appointed jointly by the President of the 36659
Senate and the Speaker of the House of Representatives, each of 36660
whom shall represent maritime port interests on behalf of a major 36661
maritime port and none of whom shall represent the same maritime 36662
port. 36663

(B) The Committee shall select a chairperson and 36664
vice-chairperson from among its members. The Committee first shall 36665

meet within one month after the effective date of this section at 36666
the call of the President of the Senate. Thereafter, the Committee 36667
shall meet at the call of its chairperson as necessary to carry 36668
out its duties. Members of the Committee are not entitled to 36669
compensation for serving on the Committee, but may continue to 36670
receive the compensation and benefits accruing from their regular 36671
offices or employments. 36672

(C) The Committee shall study alternative funding mechanisms 36673
for maritime ports in Ohio that may be utilized beginning in 36674
fiscal year 2016-2017. Not later than January 1, 2015, the Study 36675
Committee shall issue a report of its findings and recommendations 36676
to the Governor, the President of the Senate, the Minority Leader 36677
of the Senate, the Speaker of the House of Representatives, and 36678
the Minority Leader of the House of Representatives. After 36679
submitting the report, the Study Committee shall cease to exist. 36680

Section 745.20. Not later than January 23, 2015, the 36681
Department of Administrative Services, in consultation with the 36682
Department of Public Safety, shall submit a written recommendation 36683
to the 131st General Assembly that specifies a formula, method, or 36684
schedule by which user fees for the Multi-agency Radio 36685
Communications System may be reduced from their current amounts. 36686

Section 747.10. LICENSING PERIOD FOR TERMINAL DISTRIBUTORS OF 36687
DANGEROUS DRUGS 36688

In the case of a terminal distributor of dangerous drugs 36689
holding a license issued or renewed pursuant to section 4729.54 of 36690
the Revised Code that is valid on the effective date of this 36691
section, the license remains in effect until April 1, 2015, unless 36692
earlier revoked or suspended. The license holder is subject to the 36693
renewal schedule established by division (I) of section 4729.54 of 36694
the Revised Code, as amended by this act. 36695

Section 747.20. Rule 4781-1-02 of the Administrative Code, 36696
which requires the Manufactured Homes Commission headquarters to 36697
be in Dublin, Ohio, is void. 36698

Section 747.30. PRESCRIBER ACCESS TO OARRS 36699

As used in this section, "licensed health professional 36700
authorized to prescribe drugs" means an individual who is 36701
authorized by law to prescribe drugs, dangerous drugs, or drug 36702
therapy-related devices in the course of the individual's 36703
professional practice, including only the following: a dentist 36704
licensed under Chapter 4715. of the Revised Code, an advanced 36705
practice registered nurse who holds a certificate to prescribe 36706
issued under Chapter 4723. of the Revised Code, an optometrist 36707
licensed under Chapter 4725. of the Revised Code to practice 36708
optometry under a therapeutic pharmaceutical agents certificate, a 36709
physician assistant who holds a certificate to prescribe issued 36710
under Chapter 4730. of the Revised Code, and a physician 36711
authorized under Chapter 4731. of the Revised Code to practice 36712
medicine and surgery, osteopathic medicine and surgery, or 36713
podiatric medicine and surgery. 36714

Not later than January 1, 2015, each licensed health 36715
professional authorized to prescribe drugs who prescribes opioid 36716
analgesics or benzodiazepines and each pharmacist licensed under 36717
Chapter 4729. of the Revised Code shall obtain access to the drug 36718
database established and maintained by the State Board of Pharmacy 36719
pursuant to section 4729.75 of the Revised Code, unless the Board 36720
has restricted the professional or pharmacist from obtaining 36721
information from the database or the Board no longer maintains the 36722
database. Failure to comply with this section constitutes grounds 36723
for certificate or license suspension. 36724

Section 751.20. WORKFORCE INTEGRATION TASK FORCE 36725

(A) A workforce integration task force for individuals who are deaf or blind is hereby established within the Opportunities for Ohioans with Disabilities Agency. The task force shall be co-chaired by the Executive Director of the Opportunities for Ohioans with Disabilities Agency and the Director of the Department of Job and Family Services. The co-chairs shall appoint the members of the task force.

(B) The task force shall collect data on the following regarding individuals who are deaf or blind in Ohio:

(1) The average income levels for those individuals who are employed compared to those who are not employed;

(2) The number of those individuals;

(3) Where those individuals are geographically located;

(4) The number of those individuals who are employed and in what job categories they are employed;

(5) Whether barriers to employment exist for those individuals.

(C) The task force shall use the data collected and any other information necessary to make recommendations regarding how those individuals may be more fully integrated into the workforce to increase employability and income parity. The task force shall issue a report of its findings and recommendations to the Governor not later than January 1, 2015. Upon issuance of its report, the task force ceases to exist.

Section 751.35. OHIO WORKS FIRST EMPLOYMENT INCENTIVE PILOT PROGRAM

(A) As used in this section, "TANF funds" means both of the following:

(1) Federal funds provided under the temporary assistance for

needy families block grant established by Title IV-A of the 36755
"Social Security Act," 42 U.S.C. 601, et seq.; 36756

(2) State maintenance of effort funds used to avoid a 36757
reduction in the federal funds specified in division (A)(1) of 36758
this section. 36759

(B) The Director of Job and Family Services shall establish 36760
the Ohio Works First Employment Incentive Pilot Program. The pilot 36761
program shall be operated for three years in counties served by 36762
five county departments of job and family services the Director 36763
selects. The Director may select county departments that serve one 36764
county, county departments that serve multiple counties, or both 36765
types of county departments. Subject to available TANF funds and 36766
in accordance with rules adopted under this section, the pilot 36767
program shall provide for a caseworker of a county department of 36768
job and family services participating in the pilot program 36769
receiving a bonus each time a former Ohio Works First participant 36770
who the caseworker helped find employment has not been an Ohio 36771
Works First participant for six months because the former 36772
participant ceased to qualify for Ohio Works First due to 36773
increased earned income resulting from the former participant's 36774
employment. 36775

(C) A county department of job and family services 36776
participating in the pilot program may contract with one or more 36777
private entities to perform tasks for the county department under 36778
the program. 36779

(D) The Director shall adopt rules in accordance with Chapter 36780
119. of the Revised Code to implement the pilot program, including 36781
rules that do all of the following: 36782

(1) Specify the bonus a caseworker is to receive under the 36783
pilot program; 36784

(2) Establish procedures to be used to do either of the 36785

following when more than one caseworker qualifies for the same	36786
bonus:	36787
(a) Determine which caseworker is to receive the bonus;	36788
(b) Divide the bonus among the caseworkers.	36789
(3) Address any other matters the Director considers	36790
necessary to implement the pilot program.	36791
(E) Not later than ninety days after the termination of the	36792
pilot program, the Director shall submit a report about the	36793
program to the Governor and, in accordance with section 101.68 of	36794
the Revised Code, the General Assembly. The Director shall make	36795
the report available to the public. The report shall include	36796
information about the pilot program's effectiveness in encouraging	36797
caseworkers to help Ohio Works First participants obtain	36798
employment and cease participation in Ohio Works First. The report	36799
also shall include recommendations for any changes that should be	36800
made to the pilot program before it is made permanent and expanded	36801
statewide.	36802
(F) The Department of Job and Family Services shall allocate	36803
\$50,000 in fiscal year 2015 from appropriation item 600689, TANF	36804
Block Grant, in Am. Sub. H.B. 59 of the 130th General Assembly to	36805
each of the five county departments of job and family services	36806
participating in the Ohio Works First Employment Incentive Pilot	36807
Program. The county departments shall use the funds for the	36808
administrative expenses they incur in participating in the pilot	36809
program.	36810
Section 751.37. WORKGROUP TO HELP INDIVIDUALS TO CEASE	36811
RELYING ON PUBLIC ASSISTANCE	36812
(A) The Governor shall convene a workgroup to develop	36813
proposals to help individuals to cease relying on public	36814
assistance as defined in section 5101.26 of the Revised Code. Not	36815

later than thirty days after the effective date of this section, 36816
the Governor shall appoint all of the following to the workgroup: 36817

(1) The directors of the county departments of job and family 36818
services that serve the three most populous counties in the state; 36819

(2) The directors of three county departments of job and 36820
family services that serve rural counties; 36821

(3) The directors of three other county departments of job 36822
and family services; 36823

(4) Two county commissioners not more than one of whom serves 36824
an urban county and not more than one of whom serves a rural 36825
county. 36826

(B) A county commissioner or county department director 36827
appointed to the workgroup may designate another representative to 36828
serve in the commissioner's or director's place on the workgroup 36829
on a temporary or ongoing basis as needed. Members appointed to 36830
the workgroup and their designees shall serve without 36831
compensation, except to the extent that serving on the workgroup 36832
is part of their regular duties of employment. 36833

(C) The Governor shall designate one of the county department 36834
directors appointed to the workgroup to serve as the workgroup's 36835
chairperson. The workgroup shall meet at the chairperson's call. 36836

(D) The Department of Job and Family Services shall provide 36837
support staff and meeting space as necessary to facilitate the 36838
workgroup's work. 36839

(E) Not later than one hundred eighty days after the 36840
effective date of this section, the workgroup shall issue a report 36841
of the workgroup's proposals and the estimated cost to implement 36842
each proposal. The report shall be submitted to the Governor and, 36843
in accordance with section 101.68 of the Revised Code, the General 36844
Assembly. The report is a public record for the purpose of section 36845

149.43 of the Revised Code. The workgroup shall cease to exist on 36846
issuance of the report. 36847

Section 751.40. SUPPORT FOR START TALKING! INITIATIVE 36848

The Director of Mental Health and Addiction Services shall 36849
designate an employee who is certified as a prevention specialist 36850
by the Chemical Dependency Professionals Board to serve as 36851
coordinator for the Start Talking! Initiative and to assist with 36852
statewide efforts to prevent substance abuse among children. 36853

Section 751.110. RETURNING OFFENDERS 36854

(A) As used in this section: 36855

"Returning offender" means an individual who is released from 36856
confinement in a state correctional facility to live in the 36857
community on or after the effective date of this section. 36858

"State correctional facility" has the same meaning as in 36859
section 2967.01 of the Revised Code. 36860

(B) Subject to division (C) of this section, the boards of 36861
alcohol, drug addiction, and mental health services serving 36862
Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties 36863
shall prioritize the use of funds made available to the boards by 36864
the Department of Mental Health and Addiction Services under Am. 36865
Sub. H.B. 59 of the 130th General Assembly to temporarily assist 36866
returning offenders who have severe mental illnesses, severe 36867
substance use disorders, or both, and reside in the alcohol, drug 36868
addiction, and mental health service districts the boards serve, 36869
obtain Medicaid-covered community mental health services, 36870
Medicaid-covered community drug addiction services, or both. A 36871
board shall provide the temporary assistance to such a returning 36872
offender regardless of whether the returning offender resided in 36873
the district the board serves before being confined in a state 36874
correctional facility. Such a returning offender's priority for 36875

the temporary assistance shall end on the earlier of the 36876
following: 36877

(1) The date that the offender is enrolled in the Medicaid 36878
program or, if applicable, the date that the suspension of the 36879
offender's Medicaid eligibility ends pursuant to section 5163.45 36880
of the Revised Code; 36881

(2) Sixty days after the offender is released from 36882
confinement in a state correctional facility. 36883

(C) The assistance provided to returning offenders under this 36884
section shall not receive priority over community addiction 36885
services that are prioritized under section 340.15 of the Revised 36886
Code or the program for pregnant women with drug addictions 36887
developed under section 5119.17 of the Revised Code. 36888

Section 751.120. NURSING FACILITY BEHAVIORAL HEALTH ADVISORY 36889
WORKGROUP 36890

(A) There is hereby created the Nursing Facility Behavioral 36891
Health Advisory Workgroup. The Workgroup shall consist of all of 36892
the following members: 36893

(1) The Executive Director of the Governor's Office of Health 36894
Transformation or the Executive Director's designee; 36895

(2) The Director of Mental Health and Addiction Services or 36896
the Director's designee; 36897

(3) The Director of Health or the Director's designee; 36898

(4) The Medicaid Director or the Director's designee; 36899

(5) The State Long-Term Care Ombudsman or the Ombudsman's 36900
designee; 36901

(6) Two representatives from each of the following, appointed 36902
by the organization's chief executive officer or the individual 36903
serving in an equivalent capacity for the organization: 36904

(a) Ohio Health Care Association;	36905
(b) LeadingAge Ohio;	36906
(c) NAMI Ohio;	36907
(d) The Academy of Senior Health Sciences.	36908
(7) Two members of the House of Representatives, one from the	36909
majority party and the other from the minority party, appointed by	36910
the Speaker of the House of Representatives;	36911
(8) Two members of the Senate, one from the majority party	36912
and the other from the minority party, appointed by the Senate	36913
President.	36914
(B) Members of the Workgroup shall be appointed not later	36915
than fifteen days after the effective date of this section.	36916
Vacancies shall be filled in the same manner as the original	36917
appointments. Each member shall serve without compensation or	36918
reimbursement for expenses incurred while serving on the	36919
Workgroup, except to the extent that serving on the Workgroup is	36920
considered to be among the member's employment duties.	36921
(C) The Executive Director of the Governor's Office of Health	36922
Transformation or the Executive Director's designee shall serve as	36923
chairperson of the Workgroup. The Department of Medicaid shall	36924
provide staff and other support services for the Workgroup.	36925
(D) The Workgroup shall develop recommendations for a pilot	36926
project to designate a total of not more than one thousand beds in	36927
discrete units of nursing facilities to serve individuals with	36928
behavioral health needs. The recommendations shall include both of	36929
the following:	36930
(1) Standards for designating the discrete units;	36931
(2) Standards for enhanced Medicaid payments for services	36932
provided in the discrete units.	36933
(E) Not later than December 31, 2014, the Workgroup shall	36934

submit a report to the General Assembly in accordance with section 36935
101.68 of the Revised Code. The report shall include the 36936
Workgroup's findings and recommendations the pilot project 36937
described in division (D) of this section. 36938

(F) The Workgroup shall cease to exist on submission of its 36939
report. 36940

Section 751.130. (A) There is hereby created the Adult 36941
Protective Services Funding Workgroup in the Department of Job and 36942
Family Services. 36943

(B) The Workgroup shall consist of the following members: 36944

(1) The Director of Job and Family Services or the Director's 36945
designee; 36946

(2) The Director of Budget and Management or the Director's 36947
designee; 36948

(3) The Director of Health Transformation or the Director's 36949
designee; 36950

(4) The Director of Aging or the Director's designee; 36951

(5) The Director of Mental Health and Addiction Services or 36952
the Director's designee; 36953

(6) The Director of Developmental Disabilities or the 36954
Director's designee; 36955

(7) A representative of the Office of the Governor, appointed 36956
by the Governor; 36957

(8) Two members of the House of Representatives, one from the 36958
majority party and the other from the minority party, appointed by 36959
the Speaker of the House of Representatives; 36960

(9) Two members of the Senate, one from the majority party 36961
and the other from the minority party, appointed by the President 36962
of the Senate; 36963

(10) One representative of the Ohio Job and Family Services Executive Directors' Association, appointed by the Governor;	36964 36965
(11) One representative of the County Commissioners Association of Ohio, appointed by the Governor;	36966 36967
(12) A representative of the AARP, appointed by the Governor;	36968
(13) Representatives of any other entities or organizations the Director of Job and Family Services determines are necessary, appointed by the Governor.	36969 36970 36971
(C) Members of the Workgroup shall be appointed not later than seven days after the effective date of this section.	36972 36973
(D) The Director of Job and Family Services shall serve as the chairperson of the Workgroup.	36974 36975
(E) The Workgroup shall do all of the following:	36976
(1) Investigate programmatic or financial gaps in the adult protective services system;	36977 36978
(2) Identify best practices currently employed at the county level as well as those that can be integrated into the system;	36979 36980
(3) Identify areas of overlap and linkages across all human services programs;	36981 36982
(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.	36983 36984 36985
(F) Not later than September 30, 2014, 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.	36986 36987 36988 36989
(G) The Workgroup ceases to exist one year after the effective date of this section.	36990 36991

Section 751.140. (A) There is hereby created the Children	36992
Services Funding Workgroup in the Department of Job and Family	36993
Services.	36994
(B) The Workgroup shall consist of the following members:	36995
(1) The Director of Job and Family Services or the Director's	36996
designee;	36997
(2) The Director of Budget and Management or the Director's	36998
designee;	36999
(3) The Director of Health Transformation or the Director's	37000
designee;	37001
(4) The Director of Mental Health and Addiction Services or	37002
the Director's designee;	37003
(5) The Director of Developmental Disabilities or the	37004
Director's designee;	37005
(6) A representative of the Office of the Governor, appointed	37006
by the Governor;	37007
(7) Two members of the House of Representatives, one from the	37008
majority party and one from the minority party, appointed by the	37009
Speaker of the House of Representatives;	37010
(8) Two members of the Senate, one from the majority party	37011
and one from the minority party, appointed by the President of the	37012
Senate;	37013
(9) One representative of the Public Children Services	37014
Association of Ohio, appointed by the Governor;	37015
(10) One representative from the Ohio Department of Job and	37016
Family Services Executive Directors' Association, appointed by the	37017
Governor;	37018
(11) One representative from the County Commissioners	37019
Association of Ohio, appointed by the Governor;	37020

(12) Representatives of any other entities or organizations	37021
the Director of the Department of Job and Family Services	37022
determines to be necessary, appointed by the Governor.	37023
(C) Members of the Workgroup shall be appointed not later	37024
than seven days after the effective date of this section.	37025
(D) The Director of Job and Family Services shall serve as	37026
the chairperson of the Workgroup.	37027
(E) The Workgroup shall do all of the following:	37028
(1) Investigate programmatic or financial gaps in the	37029
children services funding system;	37030
(2) Identify best practices currently employed at the county	37031
level as well as those that can be integrated into the system;	37032
(3) Identify areas of overlap and linkages across all human	37033
services programs;	37034
(4) Coordinate with the Adult Protective Services Funding	37035
Workgroup in the Department of Job and Family Services, if an	37036
Adult Protective Services Funding Workgroup is created in the	37037
Department.	37038
(F) Not later than September 30, 2014, the Workgroup shall	37039
make recommendations to the Director of Job and Family Services	37040
about a distribution method for the \$6.8 million appropriated to	37041
appropriation item 911420, Children Services, for possible	37042
submission to the Controlling Board. This distribution method	37043
shall focus on targeted areas, including, but not limited to,	37044
adoption, visitation, recurrence, and re-entry.	37045
(G) The Workgroup ceases to exist one year after the	37046
effective date of this section.	37047
Section 752.10. MORATORIUM ON STRS MITIGATING RATE	37048
Notwithstanding division (D) of section 3305.06 and section	37049

3305.061 of the Revised Code, the percentage of an electing 37050
employee's compensation contributed to the State Teachers 37051
Retirement System by a public institution of higher education 37052
under division (D) of section 3305.06 of the Revised Code to 37053
mitigate any financial impact of an alternative retirement program 37054
on the retirement system shall not exceed four and one-half per 37055
cent. The percentage shall be effective until July 1, 2015. 37056

Section 752.20. ORSC STUDY OF ARP MITIGATING RATE 37057

(A) The Ohio Retirement Study Council shall study the 37058
applicability, operation, and efficacy of the percentage of an 37059
electing employee's compensation contributed by a public 37060
institution of higher education under division (D) of section 37061
3305.06 of the Revised Code to mitigate any financial impact of an 37062
alternative retirement program on the Public Employees Retirement 37063
System, State Teachers Retirement System, and School Employees 37064
Retirement System and make recommendations on any changes in 37065
determining the appropriate mitigating rate. The study shall 37066
research the historical impact of the mitigating rate and whether 37067
its purpose is being served. 37068

(B) Not later than December 31, 2014, the Council shall 37069
prepare and submit to the Governor, the President of the Senate, 37070
and the Speaker of the House of Representatives a report of its 37071
findings and recommendations. 37072

Section 757.20. (A) As used in this section: 37073

(1) "Certificate owner" and "qualified rehabilitation 37074
expenditures" have the same meanings as in section 149.311 of the 37075
Revised Code. 37076

(2) "Taxpayer," "tax period," "excluded person," "combined 37077
taxpayer," and "consolidated elected taxpayer," have the same 37078
meanings as in section 5751.01 of the Revised Code. 37079

(3) "Pass-through entity" has the same meaning as in section 37080
5733.04 of the Revised Code. 37081

(B) A taxpayer that is the certificate owner of a 37082
rehabilitation tax credit certificate issued under section 149.311 37083
of the Revised Code may claim a credit against the tax levied by 37084
section 5751.02 of the Revised Code for tax periods ending on or 37085
before June 30, 2015, provided that the taxpayer is unable to 37086
claim the credit under section 5725.151, 5725.34, 5726.52, 37087
5729.17, 5733.47, or 5747.76 of the Revised Code. 37088

The credit shall equal the lesser of twenty-five per cent of 37089
the dollar amount of the qualified rehabilitation expenditures 37090
indicated on the certificate or five million dollars. The credit 37091
shall be claimed for the calendar year specified in the 37092
certificate and after the credits authorized in divisions (A)(1) 37093
to (4) of section 5751.98 of the Revised Code, but before the 37094
credits authorized in divisions (A)(5) to (7) of that section. 37095

If the credit allowed for any calendar year exceeds the tax 37096
otherwise due under section 5751.02 of the Revised Code, after 37097
allowing for any other credits preceding the credit in the order 37098
prescribed by this section, the excess shall be refunded to the 37099
taxpayer. However, if any amount of the credit is refunded, the 37100
sum of the amount refunded and the amount applied to reduce the 37101
tax otherwise due for that year shall not exceed three million 37102
dollars. The taxpayer may carry forward any balance of the credit 37103
in excess of the amount claimed for that year for not more than 37104
five calendar years after the calendar year specified in the 37105
certificate, and shall deduct any amount claimed in any such year 37106
from the amount claimed in an ensuing year. 37107

A person that is an excluded person may file a return under 37108
section 5751.051 of the Revised Code for the purpose of claiming 37109
the credit authorized in this section. 37110

If the certificate owner is a pass-through entity, the credit 37111
may not be allocated among the entity's owners in proportions or 37112
amounts as the owners mutually agree unless either the owners are 37113
part of the same combined or consolidated elected taxpayer as the 37114
pass-through entity or the director of development services issued 37115
the certificate in the name of the pass-through entity's owners in 37116
the agreed-upon proportions or amounts. If the credit is allocated 37117
among those owners, an owner may claim the credit authorized in 37118
this section only if that owner is a corporation or an association 37119
taxed as a corporation for federal income tax purposes and is not 37120
a corporation that has made an election under Subchapter S of 37121
Chapter 1 of Subtitle A of the Internal Revenue Code. 37122

The credit authorized in this section may be claimed only on 37123
the basis of a rehabilitation tax credit certificate with an 37124
effective date after December 31, 2013, but before June 30, 2015. 37125

A person claiming a credit under this section shall retain 37126
the rehabilitation tax credit certificate for four years following 37127
the end of the latest calendar year in which the credit was 37128
applied, and shall make the certificate available for inspection 37129
by the tax commissioner upon request. 37130

Section 757.40. Notwithstanding division (D)(6) of section 37131
149.311 of the Revised Code, the Director of Development Services 37132
may issue a rehabilitation tax credit certificate under that 37133
division during the biennium that includes fiscal years 2014 and 37134
2015 only to the owner of a catalytic project that files with the 37135
Director an application for the certificate after the effective 37136
date of this act but before December 1, 2014, and that will incur 37137
or pay qualified rehabilitation expenditures in excess of 37138
seventy-five million dollars on the catalytic project. All terms 37139
used in this section have the same meanings as in section 149.311 37140
of the Revised Code. 37141

Section 757.50. The amendment by this act of sections 5709.12 37142
and 5709.17 of the Revised Code applies to tax year 2014 and every 37143
tax year thereafter. 37144

Section 757.70. The amendment by this act of section 5703.052 37145
of the Revised Code applies to any refund that has not been fully 37146
recovered before the effective date of this act. 37147

Section 806.10. The items of law contained in this act, and 37148
their applications, are severable. If any item of law contained in 37149
this act, or if any application of any item of law contained in 37150
this act, is held invalid, the invalidity does not affect other 37151
items of law contained in this and their applications that can be 37152
given effect without the invalid item of law or application. 37153

Section 812.20. The amendment, enactment, or repeal by this 37154
act of the sections listed below is exempt from the referendum 37155
under Ohio Constitution, Article II, Section 1d and section 1.471 37156
of the Revised Code and therefore takes effect immediately when 37157
this act becomes law or, if a later effective date is specified 37158
below, on that date. 37159

Sections 2925.61 and 4729.51 of the Revised Code. 37160

Sections 501.10, 512.10, 512.20, 512.30, 512.40, 610.20, 37161
610.21, 640.10, 640.11, 751.40, 751.120, 751.130, 751.140, and 37162
812.20 of this act. 37163

Section 812.30. Except as otherwise provided in this act, the 37164
amendment, enactment, or repeal by this act of a section is 37165
subject to the referendum under Ohio Constitution, Article II, 37166
Section 1c and therefore takes effect on the ninety-first day 37167
after this act is filed with the Secretary of State, or if a later 37168
effective date is specified below, on that date. 37169

Section 812.40. (A) The following take effect two years after 37170
the effective date of this act: 37171

(1) The amendments by this act to sections 340.01, 340.03, 37172
340.08, 340.09, 340.15, 5119.21, and 5119.22 of the Revised Code; 37173

(2) The enactment by this act of sections 340.033, 340.034, 37174
340.20, 5119.362, 5119.363, and 5119.364 of the Revised Code. 37175

(B) The amendments by this act to division (A) of section 37176
5119.25 of the Revised Code take effect two years after the 37177
effective date of this section. The amendments by this act to 37178
division (C) of that section take effect at the earliest time 37179
permitted by law. 37180

Section 812.43. Section 955.06 of the Revised Code, as 37181
amended by this act, takes effect December 1, 2014. 37182

Section 812.50. Sections 4715.14, 4723.486, 4725.16, 4729.12, 37183
4730.48, and 4731.281 of the Revised Code, as amended by this act, 37184
and section 4729.861, as enacted by this act, shall take effect 37185
January 1, 2015. 37186

Section 812.60. Sections 4715.30, 4715.302, 4723.28, 37187
4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 4731.055, and 37188
4731.22 of the Revised Code, as amended by this act, shall take 37189
effect April 1, 2015. 37190

Section 812.70. The amendment by this act of section 5739.05 37191
of the Revised Code takes effect on November 3, 2014. 37192

Section 812.80. Section 5101.90 of the Revised Code, as 37193
enacted by this act, shall take effect February 1, 2015. 37194

Section 815.10. The General Assembly, applying the principle 37195
stated in division (B) of section 1.52 of the Revised Code that 37196

amendments are to be harmonized if reasonably capable of 37197
simultaneous operation, finds that the following sections, 37198
presented in this act as composites of the sections as amended by 37199
the acts indicated, are the resulting versions of the sections in 37200
effect prior to the effective date of the sections as presented in 37201
this act: 37202

Section 133.07 of the Revised Code is presented in this act 37203
as a composite of the section as amended by both Am. Sub. H.B. 699 37204
and Sub. S.B. 126 of the 126th General Assembly. 37205

Section 4715.14 of the Revised Code as amended by both Sub. 37206
H.B. 190 and Sub. H.B. 215 of the 128th General Assembly. 37207

Section 4723.487 of the Revised Code as amended by both Sub. 37208
H.B. 303 and Sub. S.B. 301 of the 129th General Assembly. 37209

Section 4725.16 of the Revised Code as amended by both Am. 37210
Sub. H.B. 59 and Am. Sub. H.B. 98 of the 130th General Assembly. 37211